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OCT 29 2018
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October 29, 2018

Ms. Lora W. Johnson, CMC, LMMC
Clerk of Council
City Hall
1300 Perdido Street, Room 1E09
New Orleans, Louisiana 70112

Re: Entergy New Orleans, LLC Investigation Final Report

Dear Ms. Johnson:

Enclosed please find the final report on the investigation into Entergy New Orleans ("ENO") relative to allegations that ENO, Entergy, or some other entity paid or participated in paying actors to attend and/or speak at one or more public meetings in connection with ENO's New Orleans Power Station application to the City Council. This report is submitted in accordance with Motion Nos. M-18-196, M-18-197, M-18-255, M-18-387, and M-18-460.

Thank you for your assistance in this matter.

Sincerely,



Matthew M. Coman
Judge Calvin Johnson (ret.)

CC: All Councilmembers
Council Utilities Regulatory Office

Oct 31 4 00

INDEPENDENT EXTERNAL INVESTIGATION
ENTERGY NEW ORLEANS, LLC'S APPLICATION
FOR THE NEW ORLEANS POWER STATION

MOTION NO. M-18-196

October 29, 2018

REPORT BY



Law Offices of
**SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.**

&

Judge Calvin Johnson (ret.)

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EXECUTIVE SUMMARY

A. New Orleans City Council Mandate

The New Orleans City Council initiated the instant investigation to determine: (1) whether Entergy or some other entity paid or participated in paying actors to attend or speak at one or more public meetings in connection with Entergy's New Orleans Power Station ("NOPS") Application; and (2) whether Entergy knew or should have known that such conduct occurred or reasonably might occur.

B. Overall Conclusion

"If Hawthorne can get more people I will pay."

**"This is war and we need all the foot shoulders
[soldiers] we can muster."¹**

The documents, e-mails, text messages and other information obtained during this investigation establishes that numerous individuals were paid to attend and/or speak in support of Entergy's NOPS Power Station proposals. Instead of disclosing these payments and their affiliation with Entergy, these attendees and speakers were commissioned to pose as citizens genuinely in support of the NOPS Power Station. The information recovered and reviewed to date also indicates that payment (and the obligation to pay) for these "supporters" went from Entergy, through Entergy's vendors, and onto these individuals in order to secure attendance and participation as speakers on Entergy's behalf at public hearings that occurred on October 16, 2017 and February 21, 2018. The information uncovered to date also indicates that Entergy *knew or should have known* that such conduct occurred or reasonably might occur. The information also indicates that Entergy executives contemplated using similar tactics at an additional hearing before the New Orleans City Council's Utility Committee on December 13, 2017; however, Entergy executives eventually decided against such action. Investigators did not uncover any information that showed any similar activity concerning the evidentiary hearing conducted by Judge Jeffrey S. Gulin.

Entergy took these actions within the context of a long-running campaign to win approval from the New Orleans City Council for the NOPS Power Station. For this campaign, Entergy engaged several local vendors to accomplish multiple tasks, all with the overall goal of generating public support and a show of public support before the New Orleans City Council. Over the course of multiple years of the campaign, Entergy faced growing opposition from various organizations and individuals. Entergy became concerned with the potential negative impact of these groups

¹ October 3, 2017 text messages from Charles Rice, former Entergy New Orleans, LLC President, to Yolanda Pollard, former Manager of Communications at Entergy, in anticipation and preparation for public hearing before the New Orleans City Council on October 16, 2017.

and organizations on Entergy's NOPS Power Station campaign. At the same time, Entergy became further concerned that their efforts to generate a show of support for the NOPS Power Station were failing (or not meeting generalized expectations). Eventually, Entergy executives began to refer to the NOPS Power Station campaign as a "war." In the ensuing "war," Entergy contacted The Hawthorn Group, L.C., ("Hawthorn"), a company located in Arlington, Virginia, in order to supplement the efforts undertaken by several local vendors engaged by Entergy in the NOPS Power Station campaign.

Entergy directed its long-time contractor, Hawthorn, to produce a show of "public" support in the form of attendees and speakers in an effort to demonstrate public support for the NOPS Power Station to elected and appointed government officials with the City of New Orleans. Specifically, Entergy hired Hawthorn which, in turn, hired Crowds on Demand, which handled logistics for the effort.

From the very beginning of the interaction between Entergy and Hawthorn on the NOPS project, on August 13, 2017, Entergy and Hawthorn discussed using "*cut outs*" for the engagement. A few weeks later, on August 31, 2017, Entergy New Orleans, LLC President, Charles Rice ("Rice") e-mailed the Entergy Lead Team on the NOPS campaign: "We have to get a strategy around this. I am going to work with Chanel [Lagarde] to get an outside consultant, the Hawthorne [sic] group to begin some type of *campaign/strategy against the alliance*." When asked about opposition groups during his sworn statement on October 15, 2018, Rice became visibly upset while discussing these same groups that were active during the NOPS approval process. This reaction is consistent with text messages and e-mail communications detailed below. Days later, on September 5, 2017, Suzanne Hammelman ("Hammelman") of Hawthorn e-mailed Hawthorn's third proposal to Yolanda Pollard ("Pollard") (Entergy's NOPS Project Manager). In turn, Pollard forwarded the e-mail to Charles Rice. Notably, Hammelman explained: "I've revised the attached slightly to respond to what we heard Charles [Rice] say last week. So our immediate goal has changed a bit, and the urgency for crowd building and response is reflected. The September budget has been revised up bit to reflect trying to do a LOT of stuff immediately." Approximately two weeks later, on September 18, 2017, Pollard and Hammelman discussed the "crowd building" effort where Hammelman specified in bold letters: "**I would caution you that we generally do not recommend this type of stand-alone effort and certainly would not suggest doing it more than once.**" Further, Hammelman stated: "**Questions will be asked – who** are these people and **WHY** did they turn out? Who got them here?" Hammelman then provided a menu of options for Pollard to select from to include "**[s]upporters to sign in and speak (10): \$6,500.**" The next day, September 19, 2017, Pollard responded to Hammelman: "**I've reviewed this approach with Charles [Rice]. We'd like to move forward with the plan.**"

On October 3, 2017, less than two weeks before the October 16, 2017 public hearing, Rice exchanged the following text messages with Pollard:

Rice (7:58 a.m.): "How is Hawthorne looking getting people to the hearing."

Pollard (8:00 a.m.): "They've committed to securing 50 people and 10 speakers."

Rice (8:01 a.m.): "Hell I would pay for more if they can get them."

Rice (8:26 a.m.): **“If Hawthorne can get more people I will pay.”**

Pollard (8:32 a.m.): “75? They’ve crunched numbers for contract and tshirt printing. Can check.”

Rice (8:33 a.m.): **“Don’t care if it extras 25k. This is war and we need all the foot shoulders [soldiers] we can muster.”**

Pollard (12:50 p.m.): “Hawthorn now securing 75 attendees and 10 speakers all wearing tshirts with supporting NOPS messaging. Cost went from 23 to 29k.”

Rice (1:31 p.m.): “Deal.”

At the public hearing on October 16, 2017, Rice exchanged the following text messages with Pollard.

Pollard (5:30 p.m.): “What do you think?” [public hearing began at 5:30 p.m.]

Rice (5:31 p.m.): “Looks fabulous.”

Rice (5:42 p.m.): **“Hawthorn came through let’s figure out how we can further engage.”**

At the public hearing on October 16, 2017, numerous individuals attended and spoke both in favor of and in opposition to the NOPS Power Station. There, several individual speakers shared several similarities. For example, many of these individuals claimed to be representing “self” or “myself,” and multiple speakers listed addresses outside of Orleans Parish, such as River Ridge or Marrero (Jefferson Parish), which will not directly benefit from the proposed power plant. Next, all wore the same orange t-shirts. Also, several individuals used prepared statements, and several speakers demonstrated difficulty reading these statements. Moreover, multiple speakers used unique phrases, such as *“cascading outages.”*



October 16, 2017 Public Hearing

On October 20, 2017, pleased with Hawthorn's performance, Rice discussed using Hawthorn to produce an additional show of support at another hearing before the New Orleans City Council's Utilities Committee on December 13, 2017. Eventually, Entergy executives decided against taking such action.

Rice (10:15 a.m.): "Let's discuss Hawthorne getting people there for December 13."

Pollard (10:16 a.m.): "Okay."

On October 23, 2017, just six days after the public hearing, Entergy discussed, both internally and with Hawthorn, claims that had surfaced on social media that Entergy had paid people to attend and/or speak on Entergy's behalf. Undeterred by these allegations, Entergy executives prepared for the next public hearing set for February 21, 2018.

On January 11, 2018, Rice and Pollard exchanged the following text messages:

Rice (11:25 a.m.): "Think we can get hawthorn to get us 20 people."

Pollard (11:29 a.m.): "Will check!"

Rice (11:37 a.m.): "Make it 30."

Pollard (12:02 p.m.): "Got it."

Pollard (5:51 p.m.): "Talked to Hawthorn. They will send us cost estimates."

In anticipation of the February 21, 2018 hearing, on February 20, 2018, Gary Huntley, Entergy New Orleans Vice-President e-mailed the Entergy Lead Team: "Let's get as many of our

folks there ahead of the bus from NO East.” At the public hearing on February 21, 2018, Danil Faust appeared as a speaker and claimed that a friend had been paid \$60 to attend the October meeting in support of the NOPS application. The very next day, on February 22, 2018, Hammelman e-mailed Pollard looking for “[f]eedback on the turnout/speakers.” Pollard responded: “I was a little surprised that *some* folks wore the orange shirts again. An opponent wore a marked-up orange shirt and **commented about paid supporters.**” Hammelman responded that “[w]e wanted to make sure some of the people showed up because that is what would happen **organically.**” In turn, Pollard responded about the t-shirts but did not raise the allegation that Pollard had mentioned earlier “about paid supporters.”

On April 27, 2018, Pollard asked Entergy procurement personnel to regenerate a previously-executed Contract Change Order with Hawthorn to delete the sentence in the Contract Change Order that read “**Talk point and testimony will be vetted.**”

C. Entergy’s Failure to Comply with Motion No. M-18-196

During this investigation, Entergy produced the following records:

No.	Folder	Production Date	Bates
1	Entergy Production	June 8, 2018	ENO-NOPS 000001 - 005715
2	Crowds on Demand Production	June 8, 2018	Crowds 000001 - 000011 (through Entergy)
3	Hawthorn Production	June 8, 2018	Hawthorn 000001 - 000459 (through Entergy)
4	Entergy Production	August 21, 2018	ENO-NOPS 005716 - 006965
5	Entergy Production	September 24, 2018	ENO-NOPS 006980 - 007846
6	Entergy Production	October 5, 2018	ENO-NOPS 007847 - 008754

It is important to note, however, that Entergy failed to fully comply with New Orleans City Council Motion No. M-18-196. Specifically, on May 24, 2018, in Motion No. M-18-196, pursuant to Sections 3-124 and 3-130 of the Home Rule Charter, the New Orleans City Council, directed Entergy New Orleans to produce the following on or before June 8, 2018:

- 1) **All Documents** that relate in any way to the Matter and/or the **Investigation**.
- 2) A list of All Persons who participated in the Matter and/or the Investigation with a detailed explanation of each Person’s role.
- 3) All **Contracts** related to the Matter and/or the **Investigation**.
- 4) All **Communications** related to the **Matter** and/or the **Investigation**.
- 5) All Documents related to the Corporate Values and Business Practices.
- 6) All Documents related to Post-Report Communications.
- 7) All Documents related to Briefing Materials.
- 8) A list of all Persons who were interviewed, contacted or questioned in connection with the Investigation with contact information for each and an explanation of his/her role in the Matter and/or the Investigation.

- 9) A list of all Persons paid by Entergy, Contractor and/or Subcontractor in connection with the Matter.
- 10) A list of all Persons who were involved in or conducted the Investigation.
- 11) All Documents relating to prior agreements with or among Contractor and/or Subcontractor in connection with any proceeding before the New Orleans City Council.
- 12) All Documents relating to any existing agreements with or among Contractor and/or Subcontractor in connection with any proceeding before the New Orleans City Council.
- 13) All search terms used by Entergy to produce the above documents related to this matter and/or investigation.

Simply put, Entergy has refused to produce the underlined items despite timely and repeated requests. In response to some of these requests, Entergy produced a "Privilege Log," claiming that these items were somehow protected from disclosure by a claim of privilege. To the contrary, these items were inappropriately designated as "privileged" and, thus, should have been produced in order to comply with Motion No. M-18-196.

In addition, Entergy refused to produce relevant text messages and only allowed Investigators to review some of the retrieved text messages at the office of Entergy's external counsel.

SCOPE OF ENGAGEMENT

By Motions M-18-196 and M-18-197, the New Orleans City Council initiated an investigation and tasked the Contract Independent Investigators with the following: (1) "[t]o ensure that ENO submits all documents and materials as required by Motion M-18-196"; (2) "[t]o review said materials"; (3) "[t]o conduct any additional interviews, inspections and fact gathering as needed; and (4) to determine the facts related to allegations that some actors were employed and paid to appear and/or speak in favor of the NOPS application."

In this engagement, the New Orleans City Council specifically identified the following general responsibilities: (1) to receive and review all documents and materials ordered produced; (2) to determine if all necessary documents were actually produced; and (3) to prepare and serve additional demands if necessary.

At the completion of the investigation, the New Orleans City Council directed the Contract Independent Investigators to detail our findings of fact and to attach every document recovered and reviewed as part of the investigation to determine: (1) whether ENO, Entergy, or some other entity paid or participated in paying actors to attend or speak at one or more public meetings in connection with ENO's NOPS Application; and (2) whether ENO knew or should have known that such conduct occurred or reasonably might occur.

TIMELINE OF RELEVANT "NOPS" EVENTS

- 1) **June 20, 2016** - Entergy New Orleans, LLC ("ENO") filed application for construction for New Orleans Power Station ("NOPS") on Michoud Site in New Orleans East.

- 2) **August 11, 2016** - New Orleans City Council ("NOCC") approved Resolution 16-332 and opened Docket # UD-16-02 for review of the NOPS application.
- 3) **July 6, 2017** - ENO filed supplemental NOPS application.
- 4) **June 9, 2016** - Antoinette Green-Brown e-mailed ENO team: "Please let us know if: You need *speakers/letter writers*, etc. from Entergy supporters at the IRP filing [Council Hearing]" (ENO-NOPS006716).
- 5) **August 10, 2017** - NOCC adopted Resolution R-17-426 (established procedural schedule and mandating at least five public meetings).
- 6) **August 13, 2017** - Chanel Lagarde and John Ashford of The Hawthorn Group ("THG") discussed engagement by telephone and then communicated by e-mail where they discussed using "*cut outs*" for the engagement. (Hawthorn001003).
- 7) **August 15, 2017** - ENO held conference call with THG. (ENO-NOPS000313).
- 8) **August 16, 2017** - Charlotte Cavell and ENO Team discussed Danil Faust, Entergy critic, and began scrutinizing his online profile. (ENO-NOPS006488).
- 9) **August 21, 2017** - THG sent proposal to ENO that contained cost estimate of \$663,000. (ENO-NOPS000042-64).
- 10) **August 24, 2017** - ENO, through Charles Rice and Chanel Lagarde, held conference call with THG. (ENO-NOPS000003).
- 11) **August 29, 2017** - Following the conference call and another one earlier that same day, Suzanne Hammelman (THG) and Ellen Scott-Belli (THG) drafted and sent a "Follow Up Proposal" to Yolanda Pollard. (ENO-NOPS000008-11).
- 12) **August 31, 2017** - Charles Rice e-mailed Entergy Team: "We have to get a strategy around this. I am going to work with Chanel to get an outside consultant, the Hawthorne group to begin some type of campaign/strategy against the alliance." (ENO NOPS 000756-759).
- 13) **August 31, 2017** - Charles Rice and others held a conference call with John Ashford from THG. (ENO-NOPS000001; 760).
- 14) **September 5, 2017** - THG e-mailed third THG Proposal to Entergy (Yolanda Pollard, in turn, forwarded the e-mail to Charles Rice and Tara Raymond). Notably, THG stated, "I've revised the attached slightly to respond to what we heard Charles [Rice] say last week. So our immediate goal has changed a bit, and the urgency for crowd building and response is reflected. The September budget has been revised up bit to reflect trying to do a LOT of stuff immediately." (ENO-NOPS000012; ENO-NOPS000013-26).

15) September 12, 2017 - Kim Mitchell e-mailed Demetric Mercadel and several others stating that “we need your help recruiting our community partners on our behalf at the NOPS public hearing on **October 16.**” (ENO-NOPS006835). Notably, the letter Entergy drafted for Entergy’s “community partners” stated that Entergy had “contributed millions of dollars to hundreds of nonprofits to support their programs, we find ourselves in need of your assistance.” (ENO-NOPS006836).

16) September 18, 2017

2:43 p.m. – Suzanne Hammelman (THG) contacted Adam Swart of Crowds of Demand (“COD”) regarding “Potential business in New Orleans.”

Note:

First contact from THG to COD is absent; however, the COD reply e-mail to THG provided price itemization including “10 Speakers: \$6500.”

11:55 a.m. (time code error) – Hammelman responded: “OK – you have someone already on the ground in NOLA area who can do this?”

2:59 p.m. – Swart responded: “Yes, we have a great New Orleans team—very diverse group in terms of age/ethnicity/gender FYI.”

3:12 p.m. – Swart later added: “We’ve done quite a few projects in this area”

12:16 p.m. (time code error) – Hammelman wrote: “[t]he client CANNOT be disclosed in this effort. . . .” (All caps in original).

3:20 p.m. – Swart responded: “[w]e certainly would not plan on revealing.” (ENO-NOPS000168-170).

17) September 18, 2017 (5:39 p.m.) - Pollard and Hammelman spoke by telephone, and Hammelman e-mailed Pollard agreeing to “turn people out for the Monday, October 16 hearing.” Notably, Hammelman specified in bold letters: “I would caution you that we generally do not recommend this type of stand-alone effort and certainly would not suggest doing it more than once.” Further, Hammelman stated: “Questions will be asked – who are these people and WHY did they turn out? Who got them here?” Hammelman then provided a menu of options for Pollard to select from to include “Supporters to sign in and speak (10): \$6,500.” (Hawthorn000032-33).

18) September 19, 2017 (5:33 p.m.) - Pollard responded to Hammelman: “I’ve reviewed this approach with Charles [Rice]. We’d like to move forward with the plan.” (Hawthorn000032).

Note:

Entergy did not locate and produce this e-mail thread from its own records in response to Motion No. M-18-196. Instead, Entergy produced the record via Hawthorn.

19) **September 19, 2017** (6:29 p.m.) - Hammelman e-mailed Adam Swart at Crowds on Demand, "Project Sold. Need to talk to you ASAP but find I don't have your number in my phone[.]" (Hawthorn000168).

20) **September 27, 2017** - Antoinette Green-Brown and Pollard discussed t-shirts for the "local group Hawthorn is organizing to attend the Oct. 16 hearing." Notably, Pollard stated, "Hawthorn suggests t-shirts because **otherwise folks won't know which side this group of attendees supports.**" (ENO-NOPS000749).

21) **September 27, 2017** - Pollard and Hammelman exchanged e-mails where Pollard selected the color and print for the orange t-shirts. Again, Hammelman listed out the itemized prices for the event, including the price of \$6,500 for "10 supporters to provide testimony." (Hawthorn000040; 45).

Note:

Entergy did not locate and produce this e-mail thread from its own records in response to Motion No. M-18-196. Instead, Entergy produced the record via Hawthorn.

22) **September 28, 2017** - Gary Huntley and Pollard discussed "latest stakeholder spreadsheet from Al Maiorino with [the] Public Strategy Group. He'll share a script with us for review and begin outreach shortly thereafter based on the attached stakeholder list." (ENO-NOPS006854).

23) **October 3, 2017** (7:58 a.m.) - Rice texted Pollard: "**How is Hawthorne looking getting people to the hearing.**"

24) **October 3, 2017** (8:00 a.m.) - Pollard responded by text to Rice: "**They've committed to securing 50 people and 10 speakers.**"

25) **October 3, 2017** (8:01 a.m.) - Rice responded by text to Pollard: "**Hell I would pay for more if they can get them.**"

26) **October 3, 2017** (8:26 a.m.) - Rice texted Pollard: "**If Hawthorne can get more people I will pay.**"

27) **October 3, 2017** (8:32 a.m.) - Pollard responded by text to Rice: "75? They've crunched numbers for contract and tshirt printing. Can check."

28) **October 3, 2017** (8:33 a.m.) - Rice responded by text to Pollard: "**Don't care if it extras 25k. This is war and we need all the foot shouldors [soldiers] we can muster.**"

29) **October 3, 2017** (12:27 p.m.) - Hammelman e-mailed **Pollard** a news article concerning "pump malfunction" and copied **Adam Swart from Crowds on Demand** using Swart's e-mail address, "**adam@crowdsondemand.com.**" (Hawthorn000001).

30) **October 3, 2017** (12:39 p.m.) - Hammelman e-mailed Pollard with an itemized invoice chart that included a price of \$6,500 for "**10 supporters to provide testimony.**" (Hawthorn000050).

- 31) **October 3, 2017** (12:50 p.m.) - Pollard responded by text to Rice: "Hawthorn now securing 75 attendees and 10 speakers all wearing tshirts with supporting NOPS messaging. **Cost went from 23 to 29k.**"
- 32) **October 3, 2017** (1:31 p.m.) - Rice responded by text to Pollard: "**Deal.**"
- 33) **October 3, 2017** (3:26 p.m.) - Pollard e-mailed Hammelman asking if others should wear Entergy's orange t-shirts. (Hawthorn000049).
- 34) **October 3, 2017** (3:42 p.m.) - Pollard asked Hammelman: "**How do the participants you're securing answer questions about their support and affiliation, if asked by media, etc?**" (Hawthorn000048).
- 35) **October 3, 2017** - Hammelman responded to Pollard's concerns about the paid speakers being revealed: "[t]he supporters are told to avoid the media to the extent it's possible." Notably, Hammelman explained, "[E]ven the **speakers will be told to avoid the media** but will be prepared to speak with them if needed. We run our speakers **through media practice drills several times prior** to the event to make sure they **know how to handle and divert.**" (Hawthorn000047-48).
- 36) **October 3, 2017** (5:18 p.m.) - Pollard informed Hammelman that the NOPS Power Station would "address **cascading outages**" (Hawthorn000047). **Note:** multiple speakers at the October 16, 2017 public hearing used the phrase "**cascading outages**" in prepared remarks.
- 37) **October 4, 2017** (8:14 a.m.) - Pollard texted Rice: "Hawthorn recommends providing NOPS t-shirts for large group and printing 250 for hearing, etc. Won't increase cost by much. Just letting you know."
- 38) **October 4, 2017** (8:15 a.m.) - Rice responded by text to Pollard: "Sure."
- 39) **October 4, 2017** (8:17 a.m.) - Pollard texted Rice: "For employees and other supporters to wear."
- 40) **October 11, 2017** - Entergy Team circulated a chart that showed Entergy drafted "talking points" for speakers. (ENO-NOPS006833-6836).
- 41) **October 16, 2017** (10:36 a.m.) - Pollard e-mailed Hammelman: "We should be all set for tonight. Please know that the AFL-CIO will also attend tonight and may try to secure center area seats as they did last time. I think there's room for both groups to sit in that center section, maybe with some overflow (a good thing)." (Hawthorn000055).
- 42) **October 16, 2017** (4:32 p.m.) - Pollard e-mailed Hammelman: "Hearing the opposition is arriving at the council chambers with signs and going inside. Is our group there yet?" (Hawthorn000054).

43) **October 16, 2017** (5:30 p.m.) - Pollard texted Rice: **"What do you think?"** [Public hearing began at or near 5:30 p.m.]

44) **October 16, 2017** (5:31 p.m.) - Rice responded by text to Pollard: **"Looks fabulous."**

45) **October 16, 2017** (5:42 p.m.) - Rice texted Pollard: **"Hawthorn came through let's figure out how we can further engage."**

46) **October 16, 2017** (5:30 to 7:30 p.m.) - the New Orleans City Council held a public hearing in the City Council Chambers to accept public comment on the proposed New Orleans Power Station. At that meeting, speakers filled out and submitted "comment cards" in order to be selected to speak during the timeframe allotted. The comment cards and speaking slots were "first come, first serve." The following "non-parties" spoke at the meeting as shown in the video-audio available online as well as the "comment cards" provided to the NOCC:

1) Ben Gordon - Against; Pax Christi/Green Party, PO Box 71443 New Orleans LA 70172;

2) Charles Thomas - For; 5632 Stillwater Dr. NOLA 70128;

3) Howard Rogers - For; New Orleans Council on Aging, 2475 Canal Street; Entergy Community Partner;

***4) **Trinity Chambers** - For; wore orange Entergy t-shirt; Read statement on her telephone apparently prepared by someone else; 12400 Jefferson Hwy. Apt. 1004;

***5) **Benjamin Wood** -



For; wore orange Entergy t-shirt; Read statement on his telephone apparently prepared by someone else; expressed concern for "brain-eating amoeba" and for ***"cascading outages"***; Representing: "myself"; 724 Gallier St. New Orleans LA 70003; (An internet search shows: Wood described himself as "Actor, TV Host, Fitness trainer, Stunt man, WWF Developmental pro wrestling talent. 2003-2009 America's Movie/TV badass <http://benjaminwood.weebly.com>."");

*****6) Kaylie Alexander -**



For; wore orange Entergy t-shirt; Read statement apparently prepared by someone else; Representing: "self"; current whereabouts unknown;

7) Robert "Tiger" Hammond - For; Construction Union Representative;

8) Colin Brantin - For; Union Representative;

9) John Johnson - For; read statement on his telephone apparently prepared by someone else; mentioned Charles Rice and Kenneth Polite as "experts";

*****10) Johnny Rock -**



For; wore orange Entergy t-shirt; Read typed statement apparently prepared by someone else; Representing: "self"; self-described actor;

11) Otto Munch - For;

12) Emanuel Mitchell, Sr. - For; Carpenter's Union Representative; Carpenters Local Union, 2850 Massachusetts Ave. Metairie LA 70003;

13) Benjamin Quimby - Against; 1621 S. Rampart St. New Orleans LA 70113;

14) Zack Rosenberg - For; SBD, 2645 Toulouse NOLA;

15) Charles Ravaglia - Against; 1803 St. Philip St New Orleans;

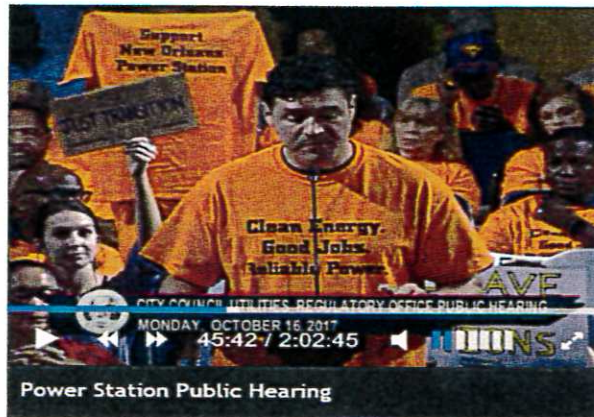
16) Will Feldman - Against; Solar Alternatives Inc., 1821 Robert St. New Orleans LA;

17) Alan C. Kohorst - For; Volunteers of America, 4152 Canal St. NOLA 70119; Entergy Community Partner;

18) Michael Williamson - For; Entergy donated \$1MM week before hearing; United Way of Southeast Louisiana, 25115 Canal St. NOLA 70119; Entergy Community Partner;

19) Parviz Rastgoufard - For; Entergy donated \$2MM for Endowment of Chair; University of New Orleans, 2000 Lakeshore Dr. New Orleans LA 70148;

- 20) Gordon Wadge - For; Entergy Community Partner; YMCA of Greater New Orleans;
 21) Shannon Cvitanovic - For; Entergy Corporate Partner; UMCO of GNO;
 22) Richard Arnold - For; wore Orange Entergy T-Shirt; Entergy Corporate Partner;
 Covenant House, 611 N. Rampart St. New Orleans LA 70112;
 23) Natalie Jayroe - For: Entergy Corporate Partner; Second Harvest Food Bank, 700
 Edwards Ave., NOLA 70123;
 24) Alicia Coske - Against;
 25) Chris Barrilleaux - For; 401 28th St. New Orleans LA 70124;
 ***26) Robert Heidel -



- For; wore Entergy orange t-shirt; Representing: "self"; read typed statement; 6
 Hennessey Ct. River Ridge LA; also spoke at 2-21-18 hearing;
 27) Brian Burns - For; Representing: "Residents of New Orleans"; 121 Turnberry Dr.
 New Orleans, LA. 70128;
 28) Al Bostick - For; IBEW #130, 2629 Rousseau St. New Orleans LA;
 29) Sister Leona Brunor SSF - For; Sisters of the Holy Family;
 30) Anthony Barbier - 117 Valerie St. Lockport LA; Representing: "myself"; read typed
 statement; "People of New Orleans are sick of the lies."
 ***31) Teresa Scott -

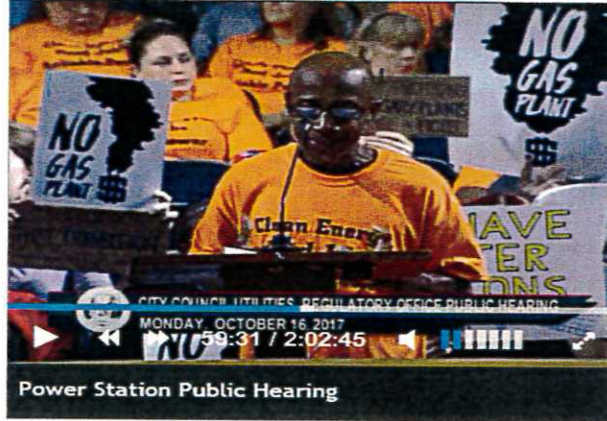


For; wore orange t-shirt; Representing: "___"; 436 18th St. New Orleans La 70124; Card:
 "Clean energy, adequate power I would like to speak."

32) Robert Burnside - For; Read off of his telephone; "Entergy is a friend of the community.";

33) Pastor John Pierre - For; opposition is spreading "Fake Reports"; Living Witness Ministries, 1528 Oretha Castle Haley Blvd. New Orleans LA 70113;

***34) Iby Hampton Jr. -



For; wore Orange Entergy T-Shirt; Representing: "myself"; Read prepared statement: "*cascading Outages*"; 6124 Victorian Dr. Marrero LA 70012;

***35) Sheldon Cutrer - For; wore orange Entergy t-shirt and American flag bandana; Read statement;

36) Alexander Miller - Against; 2919 Laurel St. NOLA 70115;

37) Cherelle Blazer - Against; 3515 Patterson Dr. 70114;

***38) Christopher McKay - For; wore orange Entergy t-shirt; Representing: "myself"; 316 Sequin New Orleans 70114; Read statement; "Normally don't get involved";

39) Kevin Fitzwilliam - Against; Joule Energy, 4428 St. Charles Ave.;

40) Dr. Calvin Mackie - For; STEM NOLA; Entergy Corporate Partner; 4910 Drexel Dr.;

41) Tangee Wall - For; wore orange Entergy t-shirt; Representing: "Friends of Joe Brown Park";

42) Frain Bayas - Against; 11311 Parkwood Court South 504-388-7375;

43) William Bickham - For; wore orange Entergy t-shirt; Representing: "self" but later stated that he was affiliated with Carpenter's Union; 4842 Eunice Dr. NOLA 70127;

44) Dean Boyer - Against; 2717 Second ST. New Orleans LA 70113; [REDACTED];

45) Gary L. Hawkins - For; Read prepared statement: "rolling outages"; Representing: "Private"; 7 Glen Abbey Way, 70131;

46) Dr. Margaret Montgomery Richards - For; Entergy Vendor; DMM 7 Assoc., 4298 Elysian Fields;

47) Uche Okpalosi - For; business owner; Positive Change; 7437 Strattmore NOLA 70128; [REDACTED]; "I'm a business owner who is support of change and growth";

48) Ramiro Diaz - Against; 1113 St. Mary NOLA 70130;

49) Reagan Sidney - For; COO for Garden Doctors; Vendor for Entergy; 201 St. Charles Ave. New Orleans; [REDACTED];

50) Michael Kraft - For; Home Builders Association of New Orleans, 2424 N. Arnoult Rd. Metairie LA [REDACTED];

- 51) Frank Morse - For; Home Builders Association of New Orleans, 2424 N. Arnoult Rd. Metairie LA; [REDACTED];
- 52) Kelissa Garrett - For; New Orleans Regional Black Chamber of Commerce, 6600 Plaza Dr. NOLA; [REDACTED]; Stated that she had met with Charles Rice and "Ms. Mercadel.";
- 53) Harry Lowenburg - ceded time to Scott Eustis – Against; Gulf Restoration Network;
- 54) Dawn Hebert - Against; 6846 Lake Willow Dr. 70126;
- 55) Rev. Cornelius Tilta - For; 2339 Constance St. 70130;
- 56) Craig Hood - Against; Loyola University, 7205 Broad Place NOLA 70125 [REDACTED];
- 57) Jodie L. Manale - Against; Green Building Industry; 2728 S. Broad St. 70125 [REDACTED];
- 58) Stephen Medina - Against; Read statement; Representing: "self"; 2908 Maurepas St. 70119; [REDACTED];
- 59) Antoinette Brown - For; wore orange Entergy T-Shirt; Representing: "myself"; 6901 Mayo Blvd.; [REDACTED]; (Relative of Entergy Manager, Antoinette Green-Brown);
- 60) Darryl G. Brown - For; "Has had enough of the games."; 6901 Mayo Blvd.; [REDACTED]; (Relative of Entergy Manager, Antoinette Green-Brown);
- 61) William Murphy - Against; 1324 Music St.; [REDACTED];
- 62) Hannah Chateau - Against; Read statement; 3800 Cumaine St.; [REDACTED]; "No gas plant";
- 63) Myron Green - For; wore orange Entergy t-shirt; Read statement; 8075 Driftwood Dr. NOLA 70126; [REDACTED];
- 64) Josh Fox - Against; Producer of "Gasland" movie; 1014 Dumaine NOLA 70116; [REDACTED]; and
- 65) David Stets - Against; 2101 Selma St.; [REDACTED].

Note:

A review of the recording along with the comment cards executed by each individual speaker shows a distinct pattern for the above-highlighted speakers. For instance, these individuals claimed to be representing "self" or "myself," and multiple speakers listed addresses outside of Orleans Parish, such as River Ridge or Marrero (Jefferson Parish), which will not directly benefit from the proposed power plant. Next, all wore the same orange t-shirts referenced above. Additionally, the highlighted individuals utilized prepared statements that seemed to have been prepared by someone else given that several speakers demonstrated difficulty pronouncing multiple words and phrases. Next, multiple speakers used unique phrases, such as "*cascading outages*." Finally, the number of individuals highlighted above is consistent with the number of speakers referenced in the e-mail and text message exchanges referenced herein.

47) **Post-October 16, 2017** - Entergy compiled a list of speakers that stood in "support" and "opposed" NOPS. Notably, Entergy specifically identified each speaker with a color-coded marker, such as "Support," "Opposed," and "Not Listed." (ENO-NOPS006875-6881; 6388-6393).

48) **October 20, 2017** - Cavell and Rice discussed The Lens article after the October 16, 2017 public hearing. Notably, Cavell and Rice discussed Rice's quote that **"I think we've got them outnumbered."** Rice did not deny making the comment but claimed he did not necessarily recall making the statement. (ENO-NOPS006311).

49) **October 20, 2017** (10:15 a.m.) - Rice texted Pollard: **"Let's discuss Hawthorne getting people there for December 13."**

50) **October 20, 2017** (10:16 a.m.) - Pollard responded by text to Rice: "Okay."

51) **October 23, 2017** - Pollard sent multiple e-mails to Hammelman (THG) regarding Faust's claims posted on the internet that Entergy had paid people to attend and/or speak on Entergy's behalf. Notably, no further discussion took place. (Hawthorn000057-59).

52) **October 23, 2017** - Cavell discussed a "tweet" that referenced **"paid protesters"** with Pollard and Green-Brown. (ENO-NOPS006871).

53) **December 2017** - Evidentiary hearing held before Judge Jeffrey S. Gulin.

54) **January 11, 2018** (11:25 a.m.) - Rice texted Pollard: **"Think we can get Hawthorn to get us 20 people."**

55) **January 11, 2018** (11:29 a.m.) - Pollard responded by text to Rice: "will check!"

56) **January 11, 2018** (11:37 a.m.) - Rice responded by text to Pollard: **"Make it 30."**

57) **January 11, 2018** (12:02 p.m.) - Pollard responded by text to Rice: "Got it."

58) **January 11, 2018** - (4:38 p.m.) - Pollard e-mailed Hammelman (THG) to discuss Rice's directive. (Hawthorn000004).

59) **January 11, 2018** (5:51 p.m.) - Pollard responded by text to Rice: "Talked to Hawthorn. They will send us cost estimate."

Note:

No further text messages were provided between Pollard and Rice, and no text messages were provided from Rice's cellular telephone but for a single text message received by Rice in September 2018.

60) **February 5, 2018** - Green-Brown sent Rice and other Entergy employees a spreadsheet depicting those Entergy targeted to speak on their behalf at the 2-21-18 meeting. (ENO-NOPS006576). Note: Spreadsheet produced by Entergy without bates numbers (native format).

61) **February 17, 2018** - Entergy Team discussed "securing a shuttle bus to get our attendees to and from Pan Am at 8:30 a.m." (ENO-NOPS006444).

62) **February 19, 2018** - Entergy Team later moved up the bus departure time to 7:45 a.m. (ENO-NOPS006587).

63) **February 20, 2018** - Huntley e-mailed entire Entergy Team: "Let's get as many of our folks there ahead of the bus from NO East." (Hawthorn00016).

64) **February 21, 2018** - NOCC meeting on R-18-65 at Pan Am Building - 601 Poydras Street (resolution to approve NOPS). Faust spoke at the public meeting where he stated that his friend (later learned to be Keith Keough) had been paid \$60 to attend the October meeting in support of ENO's application. Keough received payment at the Dave & Busters across from New Orleans City Council Chambers. Keough claimed to have also signed an NDA.² In turn, Faust relayed the information to Michael Isaac Stein, a reporter for The Lens.

65) **February 22, 2018** - Hammelman e-mailed Pollard looking for "[f]eedback on the turnout/speakers." Pollard responded: "I was a little surprised that *some* folks wore the orange shirts again. An opponent wore a marked-up orange shirt and commented about paid supporters." Hammelman responded that "[w]e wanted to make sure some of the people showed up because that is what would happen organically." In turn, Pollard responded about the t-shirts but did not bring up the allegation that she mentioned earlier "about paid supporters." (Hawthorn000198-199).

66) **March 8, 2018** - NOCC meeting on R-18-65 (resolution to approve NOPS Power Station).

67) **April 19, 2018** - Multiple plaintiffs filed lawsuit which referenced allegation that Entergy paid actors to attend and/or speak on Entergy's behalf.

68) **April 27, 2018 at 11:22 a.m.** - after the meeting had already occurred on 2-21-18, Didara Franklin, Chanel Lagarde's Executive Assistant, wrote in an e-mail to Entergy procurement personnel: "In the attached contract I have highlighted a statement that needs to be deleted. That was a question meant for Yolanda only and was not intended to be part of the contract." (ENO-NOPS005857).

69) **April 27, 2018 at 6:04 p.m.** - after the meeting had already occurred on 2-21-18, Pollard asked the same procurement personnel to remove the same sentence and stated "[p]lease delete the line 'Talk point and testimony will be vetted.' This was also general vendor discussion not intended for the final contract." (ENO-NOPS006030).

70) **April 27, 2018 at 6:19 p.m.** - Tanner Guidroz (Entergy Procurement Specialist II) sent the revised Contract Change Order to Hawthorn. (ENO-NOPS006022).

71) **May 4, 2018** - The Lens published a report that Entergy paid actors to attend and participate in public meetings.

²https://www.nola.com/expo/news/erry2018/06/379d60254b5871/meet_the_man_who_exposed_enter.html#incart_2_box

72) **Between May 1, 2018 and May 7, 2018** - Entergy undertook a flurry of activity as evidenced by a privileged log produced by Entergy as part of this investigation; however, Entergy refused to produce those communications and records despite Motion No. M-18-196.

73) **May 10, 2018** - Entergy issued its "Report of Investigation."

74) **May 15, 2018** - NOCC issued preservation letter to Entergy (Charles Rice). At his sworn statement during this investigation, Rice refused to discuss what steps, if any, he took in order to comply with this directive.

75) **August 17, 2018** - Entergy announced the removal of Rice as President of Entergy New Orleans, LLC.

INDIVIDUALS INVOLVED ACCORDING TO ENTERGY³

Charles Rice - President and Chief Executive Officer, Entergy New Orleans, LLC - Mr. Rice attended weekly strategy meetings regarding the NOPS project and was responsible for attending and speaking at public and community meetings. He also led public outreach efforts in the community seeking support for the project.

Gary Huntley - Vice President, Regulatory Affairs, Entergy New Orleans, LLC - Mr. Huntley attended public and community meetings and participated in strategy meetings.

Yolanda Pollard - Manager, Communications, Entergy, Entergy New Orleans, LLC - Ms. Pollard led weekly strategy meetings regarding the NOPS project, coordinated public outreach functions, and related informational materials and supervised ENO's media work in connection with the project. Ms. Pollard was the principal contact for outside contractors retained by ENO to support the NOPS project including The Hawthorne Group, L.C.

Charlotte Cavell - Sr. Communications Specialist, Entergy New Orleans, LLC - Ms. Cavell prepared media materials in support of the NOPS project, was responsible for coordinating company responses to media inquiries regarding the project, and attended some public community meetings. She also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.

Seth Cureington - Director, Resource Planning and Market Operations, Entergy New Orleans, LLC - Mr. Cureington attended public and community meetings and served as a subject matter expert who was responsible for responding to questions from the public and media regarding the NOPS project.

Antoinette Green-Brown - Manager, Public Affairs, Entergy New Orleans, LLC - Ms. Green-Brown was responsible for coordinating public and community meetings regarding the NOPS project, ensuring logistical support for the meetings, and participating in presentations at the

³ As specifically identified by Entergy in its response to Motion No. M-18-196 request for production of documents dated June 8, 2018.

meetings. She also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.

Demetric Mercadel - Sr. Customer Service Specialist, Entergy New Orleans, LLC - Ms. Mercadel was responsible for community outreach in connection with the NOPS project, ensuring that neighborhood associations and the New Orleans City Council were keep abreast of all development regarding the project. In addition, Ms. Mercadel participated in public and community meetings and also provided support to Entergy (corporate) Supplier Diversity Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.

Alex Dunn - Sr. Customer Service Specialists, Entergy New Orleans, LLC - Mr. Dunn performed the same functions as Ms. Mercadel. He also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.

Chanel Lagarde - Vice President, Utility Communications, Entergy Services, Inc. - Mr. Lagarde attended the preliminary meeting and possibly a follow-up meeting between ENO and The Hawthorn Group.

Tanner Guidroz - Procurement Specialist II, Entergy Services, Inc. - Mr. Guidroz did not have a role in public outreach or public relations regarding the NOPS project. He signed the contract between ENO and The Hawthorn Group.

Donna Patricia Riddlebarger - Director, Corporate Social Responsibility, Entergy Services, Inc. - Ms. Riddlebarger communicated with several of ENO's community partners and requested their attendance at the NOPS meetings in October 2017, February 2018, and March 2018.

Charles Long - Director, Transmission Planning, Entergy Services, Inc. - Mr. Long attended several community and public meetings to answer technical questions. He also served as an expert witness in the NOPS litigation.

Jonathan Long - Vice President, Capital Projects, Entergy Services, Inc. - Mr. Long attended several community and public meetings to answer technical questions. He also served as an expert witness in the NOPS litigation.

Samrat Datta - Manager, Commercial & Economic Planning, Entergy Services, Inc. - Mr. Datta attended several community and public meetings to answer technical questions.

Rivers Frederick - Supplier Diversity Manager, Entergy Services, Inc. - Mr. Frederick provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.

Tim Cragin - Assistant General Counsel, Entergy Services, Inc. - Mr. Cragin is an attorney who provided legal advice to ENO in connection with the NOPS project.

Brian Guillot - Senior Counsel, Entergy Services, Inc. - Mr. Guillot is an attorney who provided legal advice to ENO in connection with the NOPS project.

Sandra Miller - Assistant General Counsel, Entergy Services, Inc. - Ms. Miller is an attorney who provided legal advice to ENO in connection with the NOPS project.

Harry Barton - Senior Counsel, Entergy Services, Inc. - Mr. Barton is an attorney who provided legal advice to ENO in connection with the NOPS project.

The Hawthorn Group, L.C. - A description of the services performed by The Hawthorn Group is set forth in the contract being produced in response to Topic No. 1 and the corresponding invoices. Those services included, but were not limited to, identifying local supporters of the NOPS project who would be willing to publicly support the project. Without ENO's knowledge or concurrence, and in violation of its contract terms, The Hawthorne Group subcontracted at least a portion of its work to Crowds on Demand, which paid individuals to appear at public meetings organized by the New Orleans City Council on October 16, 2017 and February 21, 2018. ENO has not been able to confirm the identities of the individuals who were paid by Crowds on Demand. It appears, however, that at least some of the 45 speakers in favor of the project at the October 16 meeting may have been recruited by The Hawthorn Group and/or its unauthorized subcontractor. In addition, at least some of the 44 speakers in favor of the project at the February 21 meeting may have been recruited by The Hawthorne Group and/or its unauthorized subcontractor.

Bright Moments, LLC - A description of the services performed by Bright Moments is set forth in the contract being produced in response to Topic No. 1 and the corresponding invoices. The Ehrhardt Group was a subcontractor to Bright Moments. Those services included, but were not limited to, assisting ENO with media strategy, messaging, and community outreach.

Green Pastures Unlimited, LLC - A description of the services performed by Green Pastures Unlimited is set forth in the contract being produced in response to Topic No. 1 and the corresponding invoices. Those services included, but were not limited to, developing a media and outreach strategy for the NOPS project.

DMM & Associates, LLC - A description of the services performed by DMM & Associates is set forth in the contract being produced in response to Topic No. 1 and the corresponding invoices. Those services consisted primarily of providing logistical support for public and community meetings.

Public Strategy Group, Inc. - A description of the services performed by Public Strategy Group is set forth in the contract being produced in response to Topic No. 1 and the corresponding invoices. Those services included, but were not limited to, developing an auto letter process (nolapowerstationsupport.com), supporting community outreach, and providing input for social media related to the NOPS project.

Marcus V. Brown - Executive Vice President and General Counsel, Entergy Services, Inc. - participated in the investigation resulting in the Report of Investigation - New Orleans Power Station Advocacy, dated May 10, 2018.

Daniel Falstad - Vice President and Deputy General Counsel, Entergy Services, Inc. - participated in the investigation resulting in the Report of Investigation - New Orleans Power Station Advocacy, dated May 10, 2018.

Karen Freese - Deputy General Counsel Entergy Services, Inc. - participated in the investigation resulting in the Report of Investigation - New Orleans Power Station Advocacy, dated May 10, 2018.

Cory R. Cahn - Associate General Counsel, Entergy Services, Inc. - participated in the investigation resulting in the Report of Investigation - New Orleans Power Station Advocacy, dated May 10, 2018.

Wendy Hikok Robinson - Assistant General Counsel, Energy Services, Inc. - participated in the investigation resulting in the Report of Investigation - New Orleans Power Station Advocacy, dated May 10, 2018.

Orlando Todd - Director, Finance, Entergy New Orleans, LLC - interviewed, contracted, or questioned in connection with the Investigation with contact information for each and an explanation of his role in the matter and/or the Investigation.

Melonie P. Stewart - Acting Vice President, Customer Service, Entergy Louisiana, LLC - interviewed, contracted, or questions in connection with the Investigation with contact information for each and an explanation of her role in the matter and/or the Investigation.

John Ashford - The Hawthorn Group, L.C. - interviewed, contracted, or questions in connection with the Investigation with contact information for each and an explanation of his role in the matter and/or the Investigation.

Larry Walsh - The Hawthorn Group, L.C. - interviewed, contracted, or questions in connection with the Investigation with contact information for each and an explanation of his role in the matter and/or the Investigation.

Adam Swart - Crowds on Demand - interviewed, contracted, or questions in connection with the Investigation with contact information for each and an explanation of his role in the matter and/or the Investigation.

TIMELINE OF INVESTIGATIVE ACTIVITY

1) **May 15, 2018** - New Orleans City Council ("NOCC") issued "hold notice" to Charles Rice, President of Entergy New Orleans, LLC.

2) **May 24, 2018** - NOCC adopted Motion No. M-18-196, which initiated the investigation and directed the production of records from Entergy returnable on or before June 8, 2018. NOCC also

adopted Motion No. M-18-197, issuing Request for Qualifications (“RFQ”) to retain independent investigator to assist NOCC in investigation efforts and to issue a report of the investigation.

3) **June 8, 2018** - Entergy produced documents (ENO – 1-5715; Hawthorn – 1-459; Crowds – 1-12).

4) **June 21, 2018** - NOCC adopted Motion No. M-18-255 to negotiate contracts with Sher Garner and Judge Calvin Johnson.

5) **June 22, 2018** - NOCC provided public documents to proposed investigators.

6) **July 5, 2018** - Through Counsel, Entergy clarified Bates Numbers to June 8, 2018 production. It also stated that a privilege log would be produced “by early next week.”

7) **July 11, 2018** - Through Counsel, Entergy produced privilege log.

8) **August 7, 2018** - NOCC executed contract for Independent Investigators.

9) **August 8, 2018** - Independent Investigators issued letter to Counsel for Entergy concerning Entergy’s June 8, 2018 production as well as additional request for specified items.

10) **August 10, 2018** - Independent Investigators held initial meeting with Counsel for Entergy.

11) **August 17, 2018** - Through Counsel, Entergy sent two letters: (1) requesting attendance at all interviews and depositions; and (2) responding to Independent Investigators’ August 8, 2018 letter.

12) **August 17, 2018** - Independent Investigators declined Entergy’s request that Entergy be allowed to attend all interviews.

13) **August 21, 2018** - Independent Investigators requested witness interviews to begin Thursday, August 23, 2018. Counsel for Entergy stated that Counsel were unavailable until Wednesday, August 29, 2018.

14) **August 21, 2018** - Through Counsel, Entergy produced additional documents (ENO – 5716–6965).

15) **August 8, 2018 - October 29, 2018** - Investigators collected, reviewed, and analyzed voluminous records produced as part of this investigation.

16) **September 6, 2018** - Investigators interviewed **Danil Faust**. Faust, an opponent of the Power Station project, appeared at the meeting held on 10-16-17 at the City Council Chambers. There, upon entering the Council Chambers, Faust observed a friend, Keith Keough, dressed in an orange t-shirt that had a pro-Power Station message. Faust knew Keough to not be politically active. Keough later relayed to Faust that he had been paid to attend and wear the orange t-shirt in support of the Power Station. Keough introduced Faust to another individual, “John Doe,” who told Faust that he was also paid to attend the 10-16-17 meeting on Entergy’s behalf. Organizers required

Keough, John Doe, and others to execute non-disclosure agreements (“NDA”) as part of the process of being paid to attend the meeting on behalf of Entergy’s NOPS Power Station project. At the NOCC meeting, Faust executed a “Speaker Card” but was unable to speak at the 10-16-17 meeting because the meeting ended before all could speak (approximately two hours in length). Faust began circulating these allegations on social media soon after the 10-16-17 meeting. As detailed below, Entergy monitored Faust and others and were specifically aware of the allegations but continued their campaign unabated. In addition to the 10-16-17 meeting, Faust attended the 2-21-18 meeting at 601 Poydras Street (Pan Am Building) before the New Orleans City Council Utility Committee. At this meeting, Faust was able to speak where he relayed what he had learned from Keough and John Doe. In turn, Faust’s claims were chronicled by local media.⁴ Faust estimated that there were fewer “Entergy supporters” in attendance at the 2-21-18 meeting than there were at the 10-16-17 meeting.

17) **September 11, 2018** - Investigators interviewed **Pat Bryant**. Bryant, an opponent of the Power Station project and member/leader of “Justice and Beyond,” did not attend the 10-16-17 meeting but did attend the 2-21-18 meeting. There, Bryant executed a “Speaker Card” but was unable to speak because he stated that he was prevented from entering the Pan Am auditorium by building security. Bryant stated that he witnessed building security allow individuals “dressed in suits” to enter the auditorium while the same security personnel prevented opponents of the Power Station project to enter the auditorium. Bryant believed these individuals dressed in suits to be Entergy personnel. Bryant eventually met an individual who was paid to attend the 2-21-18 meeting on Entergy’s behalf. Bryant added that a church affiliated with his group was possibly targeted by Entergy with an incorrect bill, stating that the church owed approximately \$16,000 to Entergy for utility service. The pastor of the church asked Entergy to “audit the bill,” and Entergy discovered that Entergy owed the church \$8,000 instead of the church owing Entergy \$16,000. Bryant believes this to have been a retaliatory tactic used by Entergy to penalize the church because of its affiliation with his group that opposed Entergy’s Power Station project.

18) **September 11, 2018** - Investigators interviewed **Gary Huntley**, Vice President, Regulatory Affairs, Entergy New Orleans, LLC. According to Entergy, “Mr. Huntley attended public and community meetings and participated in strategy meetings.”

A. Record Review Timeline

June 9, 2016 - Green-Brown e-mailed ENO team to include Huntley: “Please let us know if: You need *speakers/letter writers*, etc. from Entergy supporters at the IRP filing [Council Hearing];”. (ENO-NOPS006463).

July 27, 2016 - In preparation to “Thursday’s Council Utility Committee Meeting,” Huntley and others circulated an edited “*Toni will assign and provide the scripts to the appropriate messengers.*” (ENO-NOPS006753-6758).

August 16, 2017 - Cavell and ENO Team discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006488).

⁴ https://www.nola.com/expo/news/erry-2018/06/379d60254b5871/meet_the_man_who_exposed_enter.html

September 28, 2017 - Huntley and Pollard discussed “latest stakeholder spreadsheet from Al Maiorino with [the] Public Strategy Group. He’ll share a *script* with us for review and begin outreach shortly thereafter based on the attached stakeholder list.” (ENO-NOPS006854).

October 11, 2017 - Huntley and Entergy Team circulated a chart that showed Entergy drafted “talking points” for speakers. (ENO-NOPS006833-6836).

Post-October 16, 2017 - Entergy compiled a list of speakers who “support” and “opposed” NOPS. (ENO-NOPS006388-6393).

January 18, 2018 - Entergy Team circulated “Draft remarks for Gary LaGrange and Anne Milling *(for Feb. 21 Utility Committee meeting)*.” (ENO-NOPS006435).

February 17, 2018 - Entergy Team discussed “securing a shuttle bus to get our attendees to and from Pan Am at 8:30 a.m.” (ENO-NOPS006444).

February 19, 2018 - Entergy Team later moved up the bus departure time to 7:45 a.m. (ENO-NOPS006587).

February 21, 2018 - Huntley e-mailed Entergy Team: “Let’s get as many of our folks there ahead of the bus from NO East.” (Hawthorn00016).

April 30, 2018 - Huntley agreed with Rice that Entergy should not respond to The Lens article accusing Entergy of paying actors to speak at public hearings. (ENO-NOPS006296).

May 4, 2018 - Entergy circulated “*draft talking points*” in response to revelation that paid actors spoke in favor of NOPS application at multiple public hearings. Entergy continues to refuse to produce those documents despite repeated requests. (ENO-NOPS005729).

May 5, 2018 - Cavell circulated The Lens article along with the Facebook screenshots attached. (ENO-NOPS006818).

Note:

Last e-mail communication produced is dated May 6, 2018.

B. Interview

Notably, Entergy’s internal and external attorneys insisted on attending the interview and instructed Huntley not to answer any questions beyond the 10-16-17 and 2-21-18 meetings as they claimed such questions were beyond the scope of the instant investigation authorized by the New Orleans City Council. Both Judge Johnson and Sher Garner disagreed with this position and continued with the interview. Overall, Huntley admitted that Entergy intentionally populated the meetings with pro-Entergy individuals in order to convince the New Orleans City Council to approve the Power Station. Huntley also admitted that several of these individuals represented entities that received money from Entergy as part of Entergy’s “corporate outreach” and “corporate

partnerships.” Huntley added that generating public support was an integral component to Entergy’s success in winning approval for the NOPS. Huntley, however, denied any prior knowledge that Entergy or any Entergy contractor paid individuals to pose as Entergy supporters. Huntley stated that he was “embarrassed” when the information surfaced that people were, in fact, paid simply to attend and/or speak on Entergy’s behalf. Huntley stated that he had specific conversations with both Rice and Pollard, and both denied the allegations. Interestingly, Huntley claimed that, although he texted Entergy colleagues, he did not possess a single text message regarding this “hot topic” at work. Huntley explained that he was interviewed by Entergy attorneys (Cory Cahn and Karen Freese) as part of an Entergy “investigation,” but Entergy continues its refusal to produce any items from that “investigation” despite Motion No. M-18-196. Huntley opined that Rice may have been removed as the President of Entergy New Orleans for reasons separate and apart from the instant matter; however, Huntley could not explain or point to any fact that supported his speculation. Huntley explained that Rice’s office is empty and his temporary replacement, Rod West (Group President, Utilities Operations), works at a location separate and apart from Entergy New Orleans. In other words, there was no succession plan utilized. Huntley confirmed that the NOPS Power Station will have no benefit to individuals and businesses outside of Orleans Parish, so anyone living outside of Orleans Parish will have no reason to publicly support the Power Station absent some connection via a non-profit, Entergy “Corporate Partner,” or trade/union organizations.

19) September 13, 2018 - Investigators interviewed Charlotte Cavell, Sr. Communications Specialist, Entergy New Orleans, LLC. According to Entergy, “Ms. Cavell prepared media materials in support of the NOPS project, was responsible for coordinating company responses to media inquiries regarding the project and attended some public community meetings. She also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.”

A. Record Review Timeline

June 9, 2016 - Green-Brown e-mailed ENO team: “Please let us know if: You need *speakers/letter writers*, etc. from Entergy supporters at the IRP filing [Council Hearing][.]” (ENO-NOPS006717).

February 1, 2017 - Cavell and Rice discuss retaining The Hawthorn Group and “getting a cost for the Hawthorn list.” (ENO-NOPS001007).

August 16, 2017 - Cavell and ENO Team discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006488).

October 3, 2017 - Cavell and Pollard discussed “*script excerpt*.” (ENO-NOPS006767).

October 20, 2017 - Cavell and Rice discussed The Lens article after the October 16, 2017 public hearing. Notably, Cavell and Rice discussed Rice’s quote that “*I think we’ve got them outnumbered*.” Rice did not deny making the comment but claimed he did not recall statement. (ENO-NOPS006311).

October 23, 2017 - Cavell discussed "tweet" that referenced "*paid protesters.*" (ENO-NOPS006871).

May 4, 2018 - Entergy circulated "*draft talking points*" in response to revelation that paid actors spoke in favor of NOPS application at multiple public hearings. Entergy refused to produce these documents despite repeated requests and the mandates contained in Motion No. M-18-196. (ENO-NOPS005729).

May 5, 2018 - Cavell circulated The Lens article along with the Facebook screenshots attached. (ENO-NOPS006818).

Note:

Last e-mail communication produced is dated May 6, 2018.

B. Interview

Cavell began working at Entergy in 2008. Since 2014, Cavell reported to Pollard; however, following the revelations surrounding this matter, Cavell now reports to Lagarde while Pollard reports to Michele Delery. As an Entergy employee in the Communications Department, Cavell has responsibilities involving media relations and contacts. Cavell explained that a list created by THG was developed to "help spread the word." Entergy used Ramey/Questline in order to send out mass e-mail communications. Cavell emphasized that she did not work closely with THG because Pollard took the lead with that relationship. However, Cavell did interact with THG on one occasion involving "solar issues." Cavell noted that Entergy uses "Basecamp" as a program to warehouse e-mail communications by specific project. The program allows select individuals to log on and view relevant communications regarding a specific project. Notably, Entergy utilized "Basecamp" for the NOPS project. Cavell denied any recollection of "scripts" being discussed by Entergy employees even when she was listed as a party to a particular communication. Cavell claimed she was "in Seattle" during October 2017, so she was not fully engaged in the NOPS effort but did attend the 10-16-17 public meeting at the New Orleans City Council chambers. Cavell does not recall who she sat near nor any other specifics about the meeting. Cavell does recall, however, that the chambers were "filled to capacity" and that the meeting was "heated." Cavell also attended the Utility Committee meeting held on 2-21-18 at 601 Poydras Street; however, Cavell did not recall anyone making any accusations that Entergy paid anyone to attend and/or speak at the 10-16-17 meeting despite the e-mail communications referenced above. As for the individuals wearing orange t-shirts in support of the Power Station, Cavell did not know who they were nor how they came to be at the meeting. Since the allegations surfaced, Cavell has never asked anyone at Entergy whether the accusations were true or false. In response to news articles regarding the allegations, Cavell "helped craft a response to these allegations that Entergy did not know" anyone had been hired or paid to attend and/or speak on Entergy's behalf. Notably, Cavell denied knowing exactly who at Entergy drafted the statement denying any such knowledge. Cavell added that she did text Pollard from "time to time" but did not locate any such texts on her telephone when asked by Entergy's attorneys.

Note:

Overall, although Cavell's position entails dealing with media personnel on media issues, Cavell had scant recall of significant events that occurred just months ago. During the interview, Cavell's constant attempts to distance herself from Pollard appeared less than credible since Cavell reported to Pollard, occupied an office immediately next door to one another, and even exchanged text messages on a regular basis.

20) **September 13, 2018** - Investigators interviewed **Chanel Lagarde**, Vice President, Utility Communications, Entergy Services, Inc. According to Entergy, "Mr. Lagarde attended the preliminary meeting and possibly a follow-up meeting between ENO and The Hawthorn Group."

A. Record Review Timeline

January 20, 2017 - Cavell circulated to Lagarde and others "the NOLA contact list Hawthorn provided last year." (ENO-NOPS006431).

February 1, 2017 - Cavell and Rice discussed retaining The Hawthorn Group and "getting a cost for the Hawthorn list." (ENO-NOPS001007).

*****August 13, 2017** - Lagarde and John Ashford (THG) discussed engagement by telephone and then communicated by e-mail where they discussed using "*cut outs*" for the engagement. (Hawthorn001003).

August 27, 2017 - Lagarde "organized" a conference call with Rice, Pollard, and Ashford (THG). (ENO-NOPS00004).

August 31, 2017 - Lagarde took part in a "WebEx" meeting with Cragin, Huntley, Green-Brown, and Pollard with a subject line that read: "Campaign/Strategy Discussion." (ENO-NOPS00001).

August 31, 2017 - Pollard circulated to Lagarde and Rice (copying Tara Raymond) the "Hawthorn Followup Proposal" (PPT) (ENO-NOPS00007; 13-25).

August 31, 2017 - Rice e-mailed Lagarde and others stating, "We have to get a strategy around this." Rice added that he wanted to "work with Chanel" to "begin some type of campaign/strategy against the alliance." (ENO-NOPS000756).

May 1, 2018 - Lagarde and Cragin discussed "the Lens article." (ENO-NOPS006075).

May 4, 2018 - Entergy circulated "*draft talking points*" in response to revelation that paid actors spoke in favor of NOPS application at multiple public hearings. During the instant investigation, Entergy refused to produce these documents despite repeated requests following the NOCC's original Motion No. M-18-186. Lagarde then e-mailed Cragin, "Can you talk?" (ENO-NOPS005729). During the investigation, Lagarde refused to reveal what he discussed with Cragin, and Entergy refused to allow Cragin to speak with investigators.

May 5, 2018 - Rice circulated a statement that read, in part: "Entergy New Orleans had no knowledge of individuals or organizers of an effort to seed an audience." (ENO-NOPS005738).

Note:

Last e-mail communication produced is dated May 7, 2018.

B. Interview

Lagarde has worked for Entergy for approximately 20 years. Lagarde has been in "corporate communications" for most of his career. Previously, Lagarde worked for former New Orleans City Councilman James Singleton. Specifically, Lagarde works for ENO's parent company and reports to Entergy's General Counsel, Marcus Brown. Up until this incident, Lagarde supervised Pollard, but she has been removed from her role at ENO and now reports to someone else. Oddly, Lagarde, at the direction of Counsel for Entergy, refused to state what Pollard was doing at this stage because it is "non-public," and Lagarde "can't even discuss who she is working with." Lagarde expressed his admiration for Pollard, and it was clear that discussing her caused him discomfort. As for THG, Rice asked Lagarde in August 2017 to contact THG to arrange a meeting with Rice, Pollard, and others on the NOPS project. Rice later failed to recall this sequence. Lagarde had worked with THG on a previous project where "Entergy Louisiana" used THG to conduct polling concerning solar power. Per Rice's request, Lagarde arranged for an in-person meeting with THG at ENO's headquarters in New Orleans. On August 24, 2017, THG's President, John Ashford, traveled to New Orleans for the meeting. Notably, no one from Entergy took any notes from this meeting; however, THG's President, John Ashford, took copious notes according to Lagarde. Although Ashford traveled from Virginia to New Orleans for this meeting, Lagarde could not recall any specific tasks or tactics that were discussed on how THG could assist Entergy in the NOPS campaign effort. Moreover, Lagarde claimed that no "ultimate goal" was ever discussed or what role THG would fill that was not already filled by existing local contractors. On August 31, 2017, Lagarde helped arrange a follow-up conference call between Rice, Pollard, and Ashford, but Lagarde did not recall actually personally participating in the call. Lagarde recalls meeting Hammelman from THG on the previous engagement but not on the NOPS project. As for the 10-16-17 meeting, Lagarde understood Entergy "desired to have a large contingent of supporters attend." However, Lagarde did not ask anyone where these supporters originated. At some point after the 10-16-17 meeting, Pollard told Lagarde that someone was claiming that Entergy paid people to attend and/or speak on Entergy's behalf. Lagarde claimed that Pollard said that she had "checked with Hammelman" and was assured that the allegations were "wrong." Lagarde did not recall if he attended the 2-21-18 public hearing. When shown e-mail communications regarding an article in The Lens in early May 2018, Lagarde claimed that attorneys for Entergy drafted "talking points" for a response. When confronted with a substantive change in Entergy's statement on May 5-6, 2018, Lagarde claimed that the change came from Entergy's General Counsel, Marcus Brown. At that point, Counsel for Entergy instructed Lagarde to not answer any questions about any communications Lagarde had with any Entergy attorneys. Investigators inquired again as to this "privilege claim," and Counsel for Entergy provided no basis for the claim other than to say, "it's privileged." As for the accusation that Entergy paid people to attend and/or speak on Entergy's behalf, Lagarde admitted that he "thought the support was genuine" and, as it turned out, the support was not genuine. Lagarde added that "this is a very disappointing moment for Entergy." Although Lagarde claimed he had no personal or direct

involvement in any interactions between Rice, Pollard (his subordinate), and THG beyond the first meeting in August 2017, Lagarde believes that THG "went rogue." When asked his factual basis for this claim, Lagarde had none. Lagarde added that "corporate" has taken over all "communications" [duties] from Entergy New Orleans on this matter.

Note:

In general, Lagarde claimed to have almost no memory of events that occurred just months ago.

21) **September 20, 2018** - Investigators interviewed **Donna Patricia Riddlebarger**, Vice President, Corporate Social Responsibility, Entergy Services, Inc. According to Entergy, "Ms. Riddlebarger communicated with several of ENO's community partners and requested their attendance at the NOPS meetings in October 2017, February 2018 and March 2018."

A. Record Review Timeline

October 16, 2017 - Mercadel, Riddlebarger, and others discussed specific recruits to show support generated from non-profit "Partners." (ENO-NOPS006549-6553).

February 19, 2018 - In anticipation of the 2-21-18 hearing, Entergy Team moved up the bus departure time to 7:45 a.m. (ENO-NOPS006587-6591).

February 26, 2018 - Riddlebarger and Fern Tsien (LSUHSC) discussed the 2-21-18 meeting where Tsien mentioned the needed funding for the "2018 interns." (ENO-NOPS006469-6471).

May 5, 2018 - Riddlebarger and others discussed media reports that Entergy paid people to attend and/or speak on Entergy's behalf and, specifically, what "to say to our community partners who attended the mtg - some of whom wore the orange shirts that were handed out at ENO." (ENO-NOPS006908-6917).

Note:

Last e-mail communication produced is dated May 6, 2018.

B. Interview

Riddlebarger has been employed by Entergy for 18 years. Riddlebarger began her career at Entergy in Texas and transferred to Louisiana in 2003. Riddlebarger reports to Kimberly Despeaux who, in turn, reports to Entergy's General Counsel, Marcus Brown. Riddlebarger supervises approximately 10 employees in her current role. Riddlebarger explained that Entergy accepts applications for donations online and, in turn, forwards those to various "Contribution Committees." Each Entergy operating unit conducts its own reviews and administers funds within their annual budget. Entergy New Orleans has an annual budget of \$300,000. The Contribution Committee for Entergy New Orleans was headed by its former President, Charles Rice, and Rice's former Executive Assistant, Kimberly Mitchell. Each committee meets regularly to consider which entities receive funds. Entergy New Orleans contacted those same "community partners" in an effort to secure a show of support for Entergy and the Power Station at various public hearings to include the 10-16-17 and 2-21-18 hearings.

22) **September 21, 2018** - Investigators interviewed **Tanner Guidroz**, Procurement Specialist II, Entergy Services, Inc. According to Entergy, "Mr. Guidroz did not have a role in public outreach or public relations regarding the NOPS project. He signed the contract between ENO and The Hawthorn Group."

A. Record Review Timeline

October 26, 2017 - Tanner Guidroz facilitated record formation and execution of contract between Entergy and THG. (Hawthorn000398-442).

April 27, 2018 at 6:19 p.m. - Guidroz sent a revised Contract Change Order to Hawthorn after Pollard asked that "***Talk point and testimony will be vetted***" be removed from a previously executed Contract Change Order. (ENO-NOPS006022-6025; 6030-6032). The original Contract Change Order for THG contained as part of the Scope of Work section: "-Talking points and testimony will be vetted." (ENO-NOPS000492-493). Following deletion requested by Pollard, the Contract Change Order can be found at ENO-NOPS000496-497.

B. Interview

Guidroz has been employed by Entergy since 2008. Guidroz works in "supply chain" and performs contract facilitation services for Entergy to purchase products and services. Guidroz explained that he simply takes requests from "customers" (Entergy business units) and formats the purchases to standard Entergy contracts. Guidroz explained that Entergy utilizes "Asset Suite" to perform these functions. Guidroz stated that he typically receives an e-mail request from a "customer" and then logs onto Asset Suite to complete the process of assimilating the purchase into a contract before sending it to the vendor after first obtaining approval from "whoever has the money." Guidroz explained that he need not seek any other approval unless the request exceeds \$100,000. Guidroz confirmed that he signed the contract between Entergy and The Hawthorn Group. Guidroz recognized his name on the contract and change order documents with The Hawthorn Group. Guidroz claimed that he would typically not even speak to anyone during the process and has no recollection of ever speaking with anyone regarding the instant matter. In reviewing the Contract and associated e-mails, Guidroz stated that the generation date of the Contract was October 16, 2017, which Guidroz sent to THG on October 26, 2017 and signed on October 31, 2017. Additional documentation shows that Didara Franklin requested the Contract on October 10, 2017 (ENO-NOPS006010), and Charles Rice approved the Contract on October 18, 2017 (ENO-NOPS006011). Asset Suite documents produced by Entergy also show that Didara Franklin made a change order request on February 1, 2018 with the Change Request Title of "New Orleans City Council Utility Committee Meeting Support" (ENO-NOPS006012). The records then show that Guidroz formatted the "Change Order" whereupon Rice approved the same on February 19, 2018 (ENO-NOPS006014). Pollard's name is listed immediately above Rice's name, but the screen shot indicates that Rice approved of the change order. The "scope" listed in Asset Suite specifically indicated that the change order was undertaken for THG to "turn out 30 supporters and an additional people who will sign up to provide testimony" at the hearing before the CURO and that "[t]alking points and testimony will be vetted." (ENO-NOPS006013). Regarding the change order, Guidroz identified e-mail communications where Didara Franklin "highlighted a

statement that need[ed] to be deleted” from the initial draft of the change order (to wit: “-Talking points and testimony will be vetted.”). (ENO-NOPS005999 & 6001). At Franklin’s request, Guidroz removed the sentence and recirculated the new version of the “Contract Change Order.” (ENO-NOPS005877). Specifically, on April 27, 2018 at 11:22 a.m. (after the meeting had already occurred on 2-21-18), Didara Franklin wrote: “In the attached contract I have highlighted a statement that needs to be deleted. That was a question meant for Yolanda only and was not intended to be part of the contract.” (ENO-NOPS005857). On April 27, 2018 at 6:04 p.m. (after the meeting had already occurred on 2-21-18), Pollard asked Guidroz to remove the same sentence and stated “[p]lease delete the line ‘Talk point and testimony will be vetted.’ This was also general vendor discussion not intended for the final contract.” (ENO-NOPS006030). Finally, on April 27, 2018 at 6:19 p.m., Guidroz sent the revised contract to THG. (ENO-NOPS006022). Guidroz explained that the requestor (or “customer”) must provide the information for: (1) the scope of work; (2) compensation; (3) dates; and (4) names and addresses of vendors and Entergy personnel. Guidroz stated that such documentation is maintained in a repository systems “Documentum” or “P2E.” Guidroz confirmed that a contract must be in “Issued Status” in order for the vendor to be paid. However, Guidroz is not very familiar with this process. Oddly, Guidroz was never interviewed by Entergy in-house counsel as part of their “investigation” despite being integral to the contracting process with THG. When news stories began to surface concerning Entergy paying people to attend and/or speak, a co-worker showed Guidroz the contract with his name listed in the contract which had been posted online. Despite this occurrence, Guidroz did not review relevant files associated with the contract until requested to produce same by Entergy.

23) **September 23, 2018** - Investigators interviewed **Keith Keough**. Keough stated that he was contacted by a friend a couple of days prior to the October 16, 2017 public hearing on the NOPS project. Keough’s friend told him that it was an opportunity to “be in a commercial” of some sort. Keough believed he would receive between \$40 - \$60 for his time. On October 16, 2017, when Keough arrived at the designated meeting location before the public hearing (hotel lobby across from the City Council chambers), he observed dozens of people congregating. Keough stated that the group was led/organized by two white males, later identified as Daniel Taylor and Garrett Wilkerson, and one unknown white female. The organizers handed out orange t-shirts that had an energy slogan printed on the outside. The organizers also handed out non-disclosure agreements for everyone to sign as well as index cards to some of the individuals, which contained some sort of statement. As Keough was paid to simply attend and not speak as others were, Keough did not receive an index card with any prepared statement. The organizers stressed that the group was to walk over together and simply “play on your phones” while the meeting progressed. Notably, the organizers instructed the participants to “not talk to the news crews.” The organizers stated that everyone would receive payment at Dave & Busters across from the City Council Chambers for their efforts following the City Council meeting. Eventually, the organizers led the entire group over to Council Chambers where they took seats to the left of the podium (to the right of the camera). Keough knew that his anonymity was somewhat compromised when he saw a friend, Dan Faust, enter the Council Chambers. Keough is not “political” and knew that Faust would know that he was not a supporter of the Power Station. At the meeting, Keough sat next to another friend, Joseph Rohaley, who was also paid to attend. Keough witnessed several people from the larger group speak on Entergy’s behalf during the meeting. Following the meeting, Keough and the others walked to Dave & Busters to collect payment for their efforts. The same organizers

took down each name and paid everyone in cash. Keough left New Orleans a few weeks later and remains out of state.

24) **September 24, 2018** - Investigators again spoke to **Keith Keough**. Keough received and reviewed photographs of Garrett Wilkerson and Daniel Taylor. Keough confirmed that these two individuals led the effort described above. Keough also received and reviewed a photograph of Suzanne Hammelman but stated that Hammelman was not the female referenced above and was not present during the October 16, 2017 meeting.

25) **September 25, 2018** - Investigators interviewed **Antoinette Green-Brown**, Manager, Public Affairs, Entergy New Orleans, LLC. According to Entergy, "Ms. Green-Brown was responsible for coordinating public and community meetings regarding the NOPS project, ensuring logistical support for the meetings, and participating in presentations at the meetings. She also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East."

A. Record Review Timeline

June 9, 2016 - Green-Brown e-mailed Entergy Team: "Please let us know if: You need *speakers/letter writers*, etc. from Entergy supporters at the IRP filing [Council Hearing]". (ENO-NOPS006463).

July 26, 2016 - Pollard e-mailed group stating that Green-Brown would "have the following stakeholders in attendance to deliver max. 2-minute remarks:" and "*Toni will assign and provide the scripts to the appropriate messengers.*" (ENO-NOPS006788).

July 27, 2016 - Green-Brown and others discussed draft "talking points" written by Bill Rouselle. (ENO-NOPS006753-6362). One of them is ghost-written in the voice of a "single mother of three from New Orleans East." (ENO-NOPS006352).

December 26, 2016 - Green-Brown drafted "3 profound statements . . . in case we're asked. . . ." (ENO-NOPS006659).

January 20, 2017 - Green-Brown and others discussed "Hawthorn List provided last year. . . ." (ENO-NOPS006659).

August 16, 2017 - Cavell and ENO Team discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006488).

August 31, 2017 - Green-Brown, Charles Rice, Huntley, and Lagarde held conference call on Webex with John Ashford from THG. (ENO-NOPS000001; 760).

September 27, 2017 - Green-Brown and Pollard discussed t-shirts for THG's "local group Hawthorn is organizing to attend the Oct. 16 hearing." Notably, Pollard stated, "Hawthorn

suggests t-shirts because otherwise folks won't know which side this group of attendees supports." (ENO-NOPS000749).

September 28, 2017 - Huntley and Pollard discussed "latest stakeholder spreadsheet from Al Maiorino with [the] Public Strategy Group. He'll share a script with us for review and begin outreach shortly thereafter based on the attached stakeholder list." (ENO-NOPS006854).

October 11, 2017 - Huntley and Entergy Team circulated a **chart** that showed Entergy drafted "**talking points**" for **speakers**. (ENO-NOPS006833-6836).

Post-October 16, 2017 - Entergy compiled a list of speakers who "support" and "opposed" NOPS. (ENO-NOPS006388-6393).

October 23, 2017 - Cavell, Pollard, and Green-Brown discussed FaceBook post claiming Entergy paid people to attend/speak. (ENO-NOPS006573-6575; 6871-6874).

October 24, 2017 - Cureington, Pollard, and Green-Brown circulated listing of speakers at 10-16-17 meeting. Green-Brown color coded those listed as supporter or opponents. (ENO-NOPS006571; 6367, 6554-6570).

January 18, 2018 - Entergy Team circulated "Draft remarks for Gary LaGrange and Anne Milling (for Feb. 21 Utility Committee meeting)." (ENO-NOPS006435).

February 17, 2018 - Entergy Team discussed "securing a shuttle bus to get our attendees to and from Pan Am at 8:30 a.m." (ENO-NOPS006444).

February 19, 2018 - Entergy Team later moved up the bus departure time to 7:45 a.m. (ENO-NOPS006587).

February 20, 2018 - Alex Dunn sent Green-Brown a list of "**speakers**." (ENO-NOPS006611).

Note:

Last e-mail communication produced is dated March 20, 2018.

B. Interview

Green-Brown began working at Entergy New Orleans in 1979. Green-Brown has, at times, worked for Entergy Louisiana as well as Entergy Services. Beginning in April 2015, Green-Brown began reporting to former Entergy New Orleans President, Charles Rice. Now, Green-Brown reports to Interim President, Rod West. Green-Brown supervises a number of individuals, including "Customer Services Specialists" Alex Dunn and Demetric Mercadel. As for Entergy's NOPS Power Station campaign efforts, Green-Brown handled "meeting logistics" as well as "community outreach." On June 9, 2016, Green-Brown e-mailed the Entergy Team: "Please let us know if: You need speakers/letter writers, etc. from Entergy supporters at the IRP filing [Council Hearing][.]" (ENO-NOPS006463). Green-Brown stated that Entergy hired vendors, either "Bright Moments" or the "Erhardt Group," to formulate the scripts, and individual Entergy Team

members were responsible for providing those scripts to “recruits.” Green-Brown specified that Pollard was the “Project Manager” for the NOPS Power Station campaign. Green-Brown stated that the campaign was fairly typical in 2016 but **“became a war in 2017”** as a result of the opposition that Entergy faced in gaining approval for the plant. Green-Brown explained that it became clear in the Spring/Summer of 2017 that Entergy **“needed to ramp things up.”** Green-Brown further explained that Entergy’s “number 1 reason” in recruiting speakers was to demonstrate to the decision makers that Entergy had support for the project. On July 26, 2016, Pollard e-mailed the Entergy Team stating that Green-Brown would “have the following stakeholders in attendance to deliver max. 2-minute remarks:” and “Toni will assign and provide the *scripts* to the appropriate messengers.” (ENO-NOPS006788). On July 27, 2016, Green-Brown and others discussed draft “talking points” written by an Entergy vendor. (ENO-NOPS006753-6362). One of the scripts was ghost-written in the voice of a “single mother of three from New Orleans East.” (ENO-NOPS006352). Green-Brown explained that Entergy drafted the script first and then would look for someone to use to provide the message to the decision makers. On August 31, 2017, records indicate that Green-Brown, Rice, Huntley, and Lagarde held a conference call on Webex with John Ashford from THG (ENO-NOPS000001; 760); however, Green-Brown did not recall actually participating in the conference call “one way or another.” Green-Brown did recall that Rice was concerned with opposition efforts taken by “the Alliance” (Alliance for Affordable Energy). On September 27, 2017, in preparation for the October 16, 2017 public hearing, Green-Brown and Pollard discussed t-shirts for THG’s “local group Hawthorn is organizing to attend the Oct. 16 hearing.” Notably, Pollard stated, “Hawthorn suggests t-shirts because **otherwise folks won’t know which side this group of attendees supports.**” (ENO-NOPS000749). Green-Brown recalled the communication but did not have anything to add to the record. In general, Green-Brown stated that the Entergy Team considered their preparation for the October hearing as a “huge undertaking.” Specifically, Green-Brown stated that the team “talked to everyone they could” to garner a show of support. Green-Brown explained that the team concentrated on recruiting retirees, ministers, small business owners, large accounts, and Entergy employees who resided in Orleans Parish. **Green-Brown explained that the NOPS Power Station is only relevant to Orleans Parish residents, so any Entergy employees who reside outside of Orleans Parish were not considered.** Unfortunately, of the people they contacted, **“most people didn’t want to come.”** Green-Brown attended the October 16, 2017 public hearing with her husband and son. At the October public hearing, Green-Brown recognized some but not many of the individuals wearing Entergy’s orange t-shirts. Following the October public hearing, Rice’s assistant identified those persons who attended and spoke either in favor or in opposition of the proposed power plant. (ENO-NOPS006388-6393). On October 23, 2017, Cavell, Pollard, and Green-Brown discussed an internet post that claimed Entergy paid people to attend/speak at the public hearing. (ENO-NOPS006573-6575; 6871-6874). However, Green-Brown had little recall of this event. On February 5, 2018, Rice asked in an e-mail, “Are we working on getting community people to show up[?]” In response, Green-Brown listed various categories of people the team planned on “reaching out to[.]” (ENO-NOPS006578). On February 19, 2018, Green-Brown circulated a draft spreadsheet of individuals “of speakers that will attend the UTTC meeting on Wednesday[.]” (ENO-NOPS006580). Investigators asked Green-Brown: “Did Gary Huntley or anyone else at Entergy want Entergy’s supporters to arrive at the 2-21-18 hearing before people from New Orleans East?” Green-Brown replied, “No.” Investigators then showed Green-Brown an e-mail sent by Huntley to her and others on February 20, 2018, wherein Huntley stated, “I received confirmation that the room will open at 8:30 AM. Let’s get as many of our folks there

ahead of the bus from NO East.” (ENO-NOPS000523). Green-Brown then replied, “Oh.” As for contributions Entergy makes to various entities, Green-Brown explained that award recipients receive money on a monthly and bi-annual basis, and funds can come from various Entergy entities (or “different buckets of money.”). Green-Brown claimed that she has not discussed the allegations that Entergy paid people to attend and/or speak on its behalf with anyone at Entergy but for a brief conversation with Demetric Mercadel.

26) **September 26, 2018** - Investigators interviewed **Demetric Mercadel**, Sr. Customer Service Specialist, Entergy New Orleans, LLC. According to Entergy, “Ms. Mercadel was responsible for community outreach in connection with the NOPS project, ensuring that neighborhood associations and the New Orleans City Council were kept abreast of all development regarding the project. In addition, Ms. Mercadel participated in public and community meetings and also provided support to Entergy (corporate) Supplier Diversity Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East.”

A. Record Review Timeline

June 9, 2016 - Green-Brown e-mailed Entergy Team (including Mercadel): “Please let us know if: You need speakers/letter writers, etc. from Entergy supporters at the IRP filing [Council Hearing][.]” (ENO-NOPS006463).

July 26, 2016 - Pollard e-mailed group stating that Green-Brown would “have the following stakeholders in attendance to deliver max. 2-minute remarks:” and “*Toni will assign and provide the scripts to the appropriate messengers.*” (ENO-NOPS006788).

July 27, 2016 - Mercadel e-mailed “Mr. Steward” and provided a “recommended *script* for [his] use.” (ENO-NOPS006669-6670).

July 28, 2016 - Mercadel e-mailed “Derrick” and provided a “recommended *script* for [his] use.” (ENO-NOPS006661-6668).

August 16, 2017 - Cavell and Entergy Team (including Mercadel) discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006488).

August 31, 2017 - Green-Brown, Rice, Huntley, and Lagarde held conference call on Webex with John Ashford from THG. (ENO-NOPS000001; 760).

September 12, 2017 - Kim Mitchell e-mailed Mercadel and several others stating that “we need your help recruiting our community partners on our behalf at the NOPS public hearing on October 16.” (ENO-NOPS006835). Notably, the letter Entergy sent to each “community partner” specifically mentions that Entergy has “contributed millions of dollars to hundreds of nonprofits to support their programs, we find ourselves in need of your assistance.” (ENO-NOPS006836).

October 11, 2017 - Mercadel and Entergy Team circulated a **chart** that showed Entergy drafted “*talking points*” for **speakers**. (ENO-NOPS006833-6836).

Post-October 16, 2017 - Entergy compiled a list of speakers who “support” and “opposed” NOPS. (ENO-NOPS006388-6393).

February 5, 2018 - Green-Brown e-mailed Charles Rice and others (including Mercadel) a spreadsheet depicting those people Entergy targeted to speak on their behalf at the 2-21-18 meeting. (ENO-NOPS006576). Note: Spreadsheet produced without bates numbers.

February 17, 2018 - Entergy Team discussed “securing a shuttle bus to get our attendees to and from Pan Am at 8:30 a.m.” (ENO-NOPS006444).

February 19, 2018 - Entergy Team later moved up the bus departure time to 7:45 a.m. (ENO-NOPS006587).

February 20, 2018 - Alex Dunn sent Green-Brown a list of “speakers.” (ENO-NOPS006611).

March 4, 2018 - Mercadel e-mailed several others requesting “Speakers/Supporters at the upcoming Full Council Meeting – Thursday, March 8.” (ENO-NOPS005848-5849; 6063; 6174-6175).

May 6, 2018 - Mercadel received an e-mail forwarding an NPR report that “New Orleans News Site Finds Actors Were Paid To Support A Power Plant.” (ENO-NOPS005971).

Note:

Last e-mail communication produced is dated May 6, 2018.

B. Interview

Mercadel has been employed at Entergy since 1981. Mercadel’s current title is Sr. Customer Service Specialist, Entergy New Orleans, LLC. Currently, she reports directly to Green-Brown and does not supervise any employees. Notably, Mercadel acted as an Executive Assistant for Charles Rice for his first year as ENO President, in order for Rice “to meet the right people.” Mercadel stated that she performs “community outreach” and acts as a “liaison to City Council staffs,” including the Chiefs of Staff of the individual councilpersons as well as the CURO. As for the NOPS Power Station campaign, Mercadel maintained listings of neighborhood associations and coordinated with public forum sites for logistical purposes. At these community meetings, Entergy presented preprinted cards for people to fill out to show their support (or their opposition) to the project. At some point prior to the Council vote on the NOPS Power Station on March 8, 2018, Entergy presented those cards to City Council President, Jason Williams. Mercadel stated that Entergy needed to show the City Council that Entergy had support for the NOPS Power Station. To that end, Mercadel stated that Entergy identified certain categories of people, such as Entergy retirees, Entergy employees who lived in Orleans Parish, Ministers (per Entergy employee Alex Dunn), and “community partners” (e.g., “Total Community Action” and “New Orleans Council on Aging”), as potential attendees and/or speakers. Mercadel did not attend public hearings until the spring/summer of 2017. Mercadel explained that Entergy increased its efforts for the October 2017 and February 2018 public hearings but not for the March 8, 2018 “final vote” City Council meeting. Mercadel stated that Entergy directed vendor “Bright Moments” to draft

and provide "scripts" for Entergy's "recruits" to use in demonstrating their support for the NOPS Power Station campaign. These "scripts" varied and were sometimes drafted with a particular profile in mind before any actual individual had been recruited for the role. Mercadel also participates in Entergy's grants program as detailed above by Antoinette Green-Brown. Kim Mitchell, Charles Rice's former Executive Assistant, now operates as "Community Development Representative" for Entergy New Orleans where she interacts with grant applicants and helps oversee the disbursement of funds to various entities with input from Rice and others. On September 12, 2017, Kim Mitchell e-mailed Mercadel and several others stating that "we need your help recruiting our community partners on our behalf at the NOPS public hearing on October 16." (ENO-NOPS006835). Notably, the letter Entergy sent to each "community partner" specifically stated that Entergy had "contributed millions of dollars to hundreds of nonprofits to support their programs, we find ourselves in need of your assistance." (ENO-NOPS006836). Mercadel claimed that she simply called her two "community partners" personally. Mercadel attended the October 16, 2017 public hearing at the New Orleans City Council chambers. During the public hearing, Mercadel observed a large number of people wearing orange t-shirts with a pro-Entergy message that she did not know and had never seen previously. Mercadel explained that "these people" were sitting together nearest the left-hand side of the chamber when facing the City Council. Upon seeing this large group of "Entergy supporters," Mercadel "wondered who they were." Mercadel explained that at the meeting she actually said "*I wonder who these people are.*" When asked why Entergy emphasized demonstrating a show of support for the NOPS Power Station, Mercadel stated, "It's always good to have support." As for the February 21, 2018 public hearing held at 601 Poydras Street, Mercadel stated that she attended and observed Dan Faust allege that Energy had paid people to attend and/or speak on Entergy's behalf at the October 16, 2017 public hearing. Curiously, however, Mercadel did not discuss the allegation with anyone. Again, when media reports surfaced in early May 2018 alleging that Energy had paid people to attend and/or speak on Entergy's behalf at multiple public hearings, Mercadel did not recall discussing the allegations with anyone as she was "busy with her role with Jazz Fest" and left New Orleans soon afterwards. Specifically, on May 6, 2018, Mercadel received an e-mail forwarding an NPR report that "New Orleans News Site Finds Actors Were Paid To Support A Power Plant." (ENO-NOPS005971). However, Mercadel claimed that she did not review media reports. Mercadel added that she does not know why Rice was removed as President of Entergy New Orleans, and she does not know why Pollard, the NOPS campaign "Project Manager," was removed from her position.

27) **October 2, 2018** - Investigators interviewed **Tara Raymond**. Raymond has been employed at Entergy since 2001. Raymond began at Entergy as an Administrative Assistant for Shelley McNary. In 2011, Raymond began working for Gary Huntley, Vice President, Regulatory Affairs, Entergy New Orleans, LLC. In July 2017, Raymond began working for Rice. Raymond claimed that her work duties were almost exclusively confined to logistical items, such as keeping an Outlook calendar and booking travel for Rice. Raymond insisted that she was not involved in Entergy's campaign to win approval for the NOPS Power Station despite being a participant in several efforts as shown on Entergy's own e-mail communications. Raymond did recall that Rice approved invoices sent by The Hawthorn Group to Entergy. Raymond also recalled receiving an internal e-mail notification stating that the Hawthorn invoice was "ready for approval" by Rice. Raymond, however, did not know "exactly what he [Rice] was dealing with" that involved Hawthorn. Raymond attended the October 16, 2017 public hearing at the New Orleans City

Council chambers where she wore one of the orange t-shirts referenced above. Raymond stated that she does not recall specifics from the hearing nor ever discussing the hearing with Rice. Raymond confirmed that she requested the "comment cards" from Council staff following the hearing. Raymond believes she did so on her own accord because she knew Council staff maintained such records. Raymond also confirmed that she inserted a color code scheme for supporters and opponents on the list before circulating to various Entergy campaign members. During the interview, Raymond initially expressed difficulty explaining *why* she took this action. Eventually, Raymond confirmed that demonstrating support for the application was important to Entergy. As for the public hearing on February 21, 2018, Raymond confirmed that she circulated a list of targeted speakers on Entergy's behalf but claimed to have little knowledge on where the list originated or who was responsible for listing the proposed speakers. Raymond stated that Pollard and Green-Brown were involved in the effort to garner and show support for Entergy at the 2-21-18 hearing. Raymond stated that she attended the 2-21-18 hearing in order to assist with logistical issues with the room Entergy rented for its attendees and speakers at the Pan Am building (601 Poydras Street). Raymond stated that she and Mercadel occupied the same seat at different times inside the hearing room. While outside of the hearing room, Raymond observed a line of individuals waiting to gain entrance into the room managed by security. Raymond stated that she was able to regain entrance into the room even though there was a line of individuals outside of the room by asking the security guard for permission. In May 2018, Raymond heard news reports that referenced allegations that Entergy had paid people to attend and/or speak on Entergy's behalf. Raymond mentioned the news reports to Rice who responded, "Don't worry about it, it's not true." Raymond claimed that that was the only time that she ever discussed the allegations with Rice or anyone else for that matter. Raymond claimed that she "doesn't get involved in drama." As for Rice's removal, Raymond stated that Rice called her into his office in mid-August and told her that, "I'm stepping down." Raymond asked, "why?" Rice responded, "It's confidential." Raymond then assisted Rice in packing his office. Raymond explained that Rice's office has been vacant since his departure the same day that Rice informed Raymond of his removal. Raymond recently exchanged text messages with Rice concerning her son, also an Entergy employee, but nothing related to the NOPS campaign or the instant investigation. Raymond stated that she had seen Rice almost immediately prior to the instant interview where Raymond mentioned that she was set to be interviewed that same day. Rice responded that he was to be interviewed as well. Raymond confirmed that Rice's cellular telephone number was (504) 909-3404.

28) **October 3, 2018** - Investigators met with personnel at the Dave & Buster's located at 1200 Poydras Street, Suite 601, New Orleans, Louisiana 70113, in an attempt to first ascertain if the establishment maintained video footage from 10/16/2017. There, the Manager for Dave & Buster's relayed that the video was likely maintained for more than a year, however, D&B Corporate maintained the video footage. However, Dave & Buster's personnel later stated that the video was not maintained.

29) **October 3, 2018** - Investigators interviewed **Johnny Rock** regarding his involvement in the recent Entergy/City Counsel hearings concerning the NOPS project. Rock stated that he was living at the time near Prytania and Camp streets (although he said at the hearing that he resided in "Mid-City") and had experienced severe flooding in the area around his residence. Rock concluded that the standing water was due to a blocked storm drain in front of his residence, and Rock spent several days clearing the storm drain. While outside, an unknown individual approached Rock

and inquired if Rock was interested in earning money as a "paid actor." In turn, Rock agreed and was then directed to a posting on social media for a grass roots campaign looking for paid actors to speak on varying issues in the community. Since Rock was an actor and the topics centered on flooding and pumping in New Orleans, Rock agreed. Eventually, an individual named Garrett Wilkerson, who served as the main point of contact for the paid engagement, contacted Rock. Wilkerson told Rock where to go and what to do. Wilkerson instructed Rock to appear at a City Council meeting at City Hall on October 16, 2017 as a possible speaker on the Entergy Power Station. Rock explained that he prepared a written statement for the hearing. At the conclusion of the hearing, Wilkerson instructed Rock to meet at the Dave & Buster's restaurant across the street from City Hall on Poydras Street where Wilkerson and others paid Rock \$200 in cash for his role. In or near February 2018, Wilkerson again asked Rock to appear and speak at a second City Council hearing concerning Entergy on February 21, 2018. This hearing occurred in the Pan Am building, and again Rock was prepared to speak. There, Wilkerson provided Rock with a written "script" to read. At the conclusion of the hearing, Wilkerson instructed Rock and others to meet at a park bench near the Pan Am building where Wilkerson paid Rock \$200 in cash for his role.

30) **October 3, 2018** - Investigators attempted to interview **Benjamin Wood** regarding his involvement in the recent Entergy/City Council hearings concerning the NOPS Power Station. Wood, however, declined to be interviewed and stated that he was tired of being harassed by the media, investigators, and other persons from various organizations.

31) **October 3, 2018** - Investigators interviewed **Steven Cohen**. Cohen is employed at The Hawthorn Group ("THG") in Arlington, Virginia. Cohen has worked in political campaigns for several years and joined THG in June 2017. Cohen participated in a conference call with Yolanda Pollard where Pollard provided an overview of her "concerns about the proposed power plant." Cohen recalled that he did not hear anything additional from Entergy for a few months before being reacquainted with the project when Entergy became concerned with its chances of winning approval from the New Orleans City Council. Cohen then developed "scripts" for Entergy supporters to use in the campaign. These speeches were written in the first person, and Entergy could simply find a candidate to fill the role as a speaker. For example, Cohen borrowed the phrase "**cascading outages**" from Entergy's literature and inserted the phrase into multiple scripts for use in the campaign. Cohen never met nor spoke to anyone recruited or identified as a speaker on Entergy's behalf. Cohen took notes during the first conference call but discarded the notes once the engagement ended after news reports surfaced with allegations that Entergy paid people to attend and/or speak on Entergy's behalf at multiple public hearings. Cohen watched the October 16, 2017 meeting live via the internet. Notably, Cohen e-mailed Swart at Crowds on Demand the next day stating, "As I watched last night I could hear phrases from my keyboard! Neat!" For the February 21, 2018 public hearing, Cohen drafted "sample narratives and bullet points." Cohen admitted developing "scripts" for Entergy supporters to use at the February 21, 2018 public hearing. Cohen also offered "political messaging and advice" to Entergy once the allegations surfaced.

32) **October 3, 2018** - Investigators interviewed **John Ashford**. Ashford co-founded The Hawthorn Group 25 years ago. Ashford is a veteran political adviser having worked for several

Louisiana politicians, including Russell Long and Edwin Edwards. Ashford has also worked for Entergy on multiple occasions as well as NOPSI, spanning decades. In 2014, Ashford and Entergy executed a contract worth \$2,300,000 for THG to work on "solar issues" for Entergy. Ashford received contact from Chanel Lagarde in reference to the NOPS project in the summer of 2017. Ashford discussed using "cut outs" (or intermediaries) with Lagarde and Pollard. Ashford explained that such individuals act as "front groups" for Entergy so as to conceal Entergy's involvement in the particular campaign effort. At the August 31, 2017 meeting, Ashford explained that Entergy wanted to generate a showing of support for the NOPS Power Station. Ashford explained that THG offered a wide scope of services but that Entergy only "wanted a fairly limited scope of activity." In reference to Crowds on Demand, Ashford stated that their name "pretty-well sums up" their role and purpose. Ashford admitted that THG also used Crowds on Demand for another client to demonstrate support for a particular event but declined to name that other client. Ashford explained that Hammelman handled the project with Pollard on behalf of THG. Once the allegations surfaced, Ashford spoke with Marcus Brown, General Counsel for Entergy. Notably, Brown never claimed that THG ever breached its contract with Entergy. Although THG refunded Entergy's payments, THG never requested Crowds on Demand refund THG any money. Ashford explained that Entergy contracted with THG because Entergy's efforts to show support for the NOPS project "had stalled."

33) October 3, 2018 - Investigators interviewed Suzanne Hammelman. Hammelman began working at The Hawthorn Group approximately 20 years ago. Hammelman explained that THG's book of business consists mostly of companies and associations in the energy sector. As for Entergy and the NOPS Power Station project, Hammelman explained that Entergy was searching for ways to demonstrate support for the project. Notably, Entergy relayed to Hammelman that their own efforts to produce such support were failing. After hearing Entergy's problems, Hammelman compiled various proposals that were designed to create real organizations that could advocate for the project; however, Entergy declined to undertake such efforts due to a combination of timing concerns and the costs associated with such a process. Instead, Entergy simply wanted THG to assist in "crowd building." As Hammelman stated, "all Entergy wanted was to find people to show up." Hammelman explained that finding actual supporters for such a project would be fairly "time-consuming." As Hammelman further explained, finding actual supporters for a project was much more difficult than finding opponents for a particular project. Hammelman warned Pollard that such an effort was dangerous and, without an actual organization, likely to be discovered because people will ask, "who are these people and why are they here?" When Hammelman subcontracted with Crowds on Demand, Hammelman stressed that "the client [Entergy] CANNOT be disclosed in this effort." Hammelman made sure that attendees and speakers knew to avoid the media at all costs because the "media is not your friend." Hammelman stated that Pollard was pleased with the turnout produced for the October 16, 2017 public hearing and that Pollard asked Hammelman about doing the same for a hearing in December 2017; however, Pollard eventually declined to use THG in December but used THG for the February 21, 2018 public hearing. Hammelman stated that she and Pollard did not discuss particulars about supporters being paid or not being paid. Hammelman admitted that she and Pollard noted various complaints about "paid supports" immediately following both hearings but Pollard never expressed shock or dismay about the allegations. Hammelman also admitted that she and Pollard discussed the fact that paid supporters "signed NDA's" at the October 16, 2017 public hearing following the February 21, 2018 public hearing.

34) **October 8, 2018** - Investigators interviewed **Didara Franklin**. Franklin has been employed at Entergy for 21 years. Franklin is currently in the Communications Department at Entergy and reports to Chanel Lagarde. Franklin confirmed that she loaded information into Entergy's Asset Suite program at Pollard's direction. Notably, Pollard does not have authority to input or remove data in Asset Suite and only has access to the system. Pollard first instructed Franklin to process The Hawthorn Group's invoice for services "manually"; however, that effort was unsuccessful because Entergy and The Hawthorn Group executed a written contract so payment approval needed to be accomplished through Asset Suite. On April 27, 2018, after allegations continued to surface that Entergy paid individuals to attend and/or speak on their behalf, Pollard instructed Franklin to alter wording in the Scope of Work section of a Contract Change Order with The Hawthorn Group in April 2018. Specifically, Pollard instructed Franklin "delete the line 'Talk point and testimony will be vetted.'" The original Contract Change Order contained the sentence "Talking points and testimony will be vetted." The alteration occurred *after* The Hawthorn Group had executed the change order. Likewise, Pollard provided the information contained in Asset Suite under "scope." Interestingly, when asked about Entergy's record keeping practices, Franklin stated that Entergy "keeps records indefinitely." Franklin also stated that Rice approved the payments to The Hawthorn Group.

35) **October 9, 2018** - Investigators interviewed **Logan Burke**. Burke is the Executive Director of the Alliance for Affordable Energy ("Alliance"). Burke described the Alliance as a consumer advocacy group that appears before the Louisiana Public Service Commission and New Orleans City Council on behalf of rate payers. On behalf of the Alliance, which is also an Intervenor, Burke has participated in a number of community and public meetings and hearings. Notably, Burke stated that opponents of the Power Station greatly outnumbered any proponents at a meeting held on December 12, 2016 at the New Orleans City Council chambers. Burke stated Rice was not present but several other Entergy employees, including Gary Huntley, attended on Entergy's behalf. Burke stated that during the NOPS application process Entergy actively monitored various activities, such as community meetings organized by opposition groups. Burke emphasized that the October 16, 2017 hearing was important, and opponents of the NOPS Power Station undertook efforts to demonstrate their position to those elected and appointed officials deciding the matter. At approximately 4:45 p.m., buses with Entergy supporters arrived to enter Council chambers, which were due to open at 5:00 p.m. Burke also attended the December 2017 evidentiary hearing. Burke stated that the attendance and testimony concerned those parties specifically involved in the administrative hearing, and no unknown individuals were present at any point. Burke also attended the February 21, 2018 hearing at 601 Poydras Street (Pan Am building). At this meeting, Burke again observed numerous unknown Entergy supporters present. In addition, Burke stated that several opponents, at times, met resistance in gaining entry into the hearing room. However, Burke was not personally present outside the hearing room for the entirety of the hearing, so he could not attest to exactly what occurred during the lengthy hearing. Notably, however, Burke claimed that Demetric Mercadel (Entergy employee referenced above) was coordinating with individuals hindering access to the room by opponents of the Power Station. Burke also observed Antoinette Green-Brown holding a spreadsheet marking off supporters as they spoke on Entergy's behalf. Burke also attended the March 8, 2018 City Council meeting where the final vote occurred on Entergy's NOPS application. There, Burke observed Entergy provide a large "stack" of cards that

appeared somewhat different from the typical "Comment Cards." Burke believed these specific cards were not "clocked in" as is customary.

36) **October 9, 2018** - Investigators interviewed **Alex Dunn**, Sr. Customer Service Specialist, Entergy New Orleans, LLC. According to Entergy, "Mr. Dunn performed the same functions as Ms. Mercadel. He also provided support to Entergy (corporate) Supplier Diversity and Entergy New Orleans public affairs surrounding the NOPS Business & Workforce Opportunity Forum (job fair) held at Joe W. Brown Park in New Orleans East." At the interview, Dunn relayed the following. Dunn has been an Entergy employee for approximately 40 years and is due to retire in the coming months. At Entergy, Dunn reports to Green-Brown. Dunn assisted in the NOPS Power Station campaign by performing community outreach, including soliciting support from Entergy's "community partners" (entities that receive funds from Entergy). Dunn added that his assignments included "spreading the good news" and "setting up meetings." Dunn also recruited Pastors to attend and show support for Entergy. Dunn stated that he does not know specifics about who and how Entergy funds various organizations. Dunn attended both the October 16, 2017 and February 21, 2018 public hearings before the New Orleans City Council. Dunn explained that Entergy believed it was "critical to show support to the Council." Dunn further explained that the opponents of the NOPS Power Station are engaged in their efforts "as a cause" and that "no one wants to take time out of their day to show support so we had to produce support." As for the showing of support at the October 16, 2017 public hearing, Dunn was pleased to see the large group of supporters wearing the pro-Entergy orange t-shirts. When reports surfaced accusing Entergy of paying people to attend and/or speak on Entergy's behalf, Dunn discussed it briefly with others at Entergy but "laughed it off." Now, Dunn believes that Entergy's actions were "unnecessary" and were an "unforced error." Dunn added that "people in the community suffer when people lie."

37) **October 10, 2018** - Investigators took a sworn statement from **Yolanda Pollard**, Entergy's Project Manager for the NOPS campaign. A transcription of the statement is provided with this report. During the statement, Pollard identified and testified concerning the following exhibits:

Exhibit # 1: June 9, 2016 - Green-Brown e-mail with ENO team re "speakers/letter writers" for City Council Meeting (ENO-NOPS006463-6464).

Exhibit # 2: July 26, 2016 - In preparation to "Thursday's Council Utility Committee Meeting," Gary Huntley and others circulated "*Toni* will assign and provide the scripts to the appropriate messengers." (ENO-NOPS006753-6758).

Exhibit # 3: July 26, 2016 - Pollard e-mailed vendors requesting that they prepare "remarks" for various stakeholders. (ENO-NOPS006788-6789).

Exhibit # 4: July 27, 2016 - Draft speeches attached. (ENO-NOPS06356-6360).

Exhibit # 5: December 6, 2016 - Green-Brown e-mail to Pollard and other with list of potential speakers attached. (ENO-NOPS006659 plus two-page attachment).

Exhibit # 6: August 13, 2017 - THG e-mail with Lagarde and Pollard. (Hawthorn001003-1006).

Exhibit # 7: August 15, 2017 - Outlook Entry (ENO-NOPS000409)

Exhibit # 8: August 16, 2017 - Cavell and ENO Team discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006314-6318).

Exhibit # 9: August 24, 2017 - Meeting with John Ashford (ENO-NOPS000003).

Exhibit # 10: August 29, 2017 - Conference call with Hammelman (ENO-NOPS000324).

Exhibit # 11: August 29, 2017 - Hammelman Memorandum (ENO-NOPS000008-11).
Exhibit # 12: August 31, 2017 - Rice annoyed with Alliance. (ENO-NOPS000756-759).
Exhibit # 13: August 31, 2017 - Conference call with THG (ENO-NOPS000005-6).
Exhibit # 14: August 31, 2017 - Hawthorn's Follow-Up Proposal (ENO-NOPS000007; 13-88).
Exhibit # 15: September 5, 2017 - Pollard and THG E-Mail (ENO-NOPS000012).
Exhibit # 16: September 18, 2017 - Pollard and THG E-Mail (Hawthorn000032-33).
Exhibit # 17: September 20, 2017 - Pollard and THG E-Mail (Hawthorn000034-36).
Exhibit # 18: September 28, 2017 - Huntley and Pollard discussed "latest stakeholder spreadsheet" and "scripts" (ENO-NOPS006854-6856).
Exhibit # 19: October 3, 2017 - October 3, 2017, text message communication between Rice and Pollard:

Rice (7:58 a.m.): "How is Hawthorne looking getting people to the hearing."

Pollard (8:00 a.m.): "They've committed to securing 50 people and 10 speakers."

Rice (8:01 a.m.): "Hell I would pay for more if they can get them."

Rice (8:26 a.m.): **"If Hawthorne can get more people I will pay."**

Pollard (8:32 a.m.): "75? They've crunched numbers for contract and tshirt printing. Can check."

Rice (8:33 a.m.): **"Don't care if it extras 25k. This is war and we need all the foot shoulders [soldiers] we can muster."**

Pollard (12:50 p.m.): "Hawthorn now securing 75 attendees and 10 speakers all wearing tshirts with supporting NOPS messaging. Cost went from 23 to 29k."

Rice (1:31 p.m.): "Deal."

Exhibit # 20: October 3, 2017 - Pollard and THG e-mail that references e-mail address of Adam Swart from Crowds on Demand (Hawthorn000001).

Exhibit # 21: October 3, 2017 - Pollard and THG e-mail (Hawthorn000044-45).

Exhibit # 22: October 3, 2017 - Pollard and THG e-mail (Hawthorn000148-150) (avoid media).

Exhibit # 23: October 11, 2017 - Huntley and Entergy Team circulated a chart that showed Entergy drafted "talking points" for speakers. (ENO-NOPS006833-6836).

Exhibit # 23A: October 16, 2017 - Pollard and Hammelman e-mail ("room for both groups") (Hawthorn000163).

Exhibit # 24: October 16, 2017 - Pollard and Hammelman e-mail (Hawthorn000160).

Exhibit # 25: October 16, 2017 - Three Color Photographs of Orange-Clad Supporters/Speakers.

Exhibit # 26: October 16, 2017 - Text Message Thread between Rice and Pollard:

Pollard (5:30 p.m.): "What do you think?" [Time code on video file shows public hearing began at 5:30 p.m.]

Rice (5:31 p.m.): "Looks fabulous."

Rice (5:42 p.m.): "Hawthorn came through let's figure out how we can further engage."

Exhibit # 27: October 16, 2017 - Pollard and Hammelman e-mail (Hawthorn000316-317).

Exhibit # 28: October 20, 2017 - Pollard and Rice text message communication:

Rice (10:15 a.m.): "Let's discuss Hawthorne getting people there for December 13."

Pollard (10:16 a.m.): "Okay."

Exhibit # 28A: October 20, 2017 - Pollard and Hammelman e-mail (Hawthorn000056).

Exhibit # 29: October 20, 2017 - Pollard and Rice E-Mail (ENO-NOPS006311-6312) ("I think we've got them outnumbered.").

Exhibit # 30: October 23, 2017 - Pollard and Hammelman e-mail (Hawthorn000058-59).

Exhibit # 31: October 23, 2017 - Pollard and Cavell e-mail (ENO-NOPS006573-6575).

Exhibit # 32: October 24, 2017 - Pollard and Cureington e-mail (ENO-NOPS006571-6572).

Exhibit # 33: Undated - color-coded listing of supporters and opponents (ENO-NOPS006564-6570).

Exhibit # 34: January 11, 2018 - Pollard and Hammelman e-mail (Hawthorn000004).

Exhibit # 34A: January 11, 2018 - Text Message Communication between Rice and Pollard:

Rice (11:25 a.m.): "Think we can get hawthorn to get us 20 people."

Pollard (11:29 a.m.): "Will check!"

Rice (11:37 a.m.): "Make it 30."

Pollard (12:02 p.m.): "Got it."

Pollard (5:51 p.m.): "Talked to Hawthorn. They will send us cost estimates."

Exhibit # 35: January 12-19, 2018 - Pollard and Hammelman e-mail (Hawthorn000005-6).

Exhibit # 36: February 15, 2018 - Pollard and Hammelman e-mail (Hawthorn000014-15).

Exhibit # 37: February 21, 2018 - Huntley e-mailed Entergy Team "Let's get as many of our folks there ahead of the bus from NO East." (Hawthorn000016).

Exhibit # 38: February 22, 2018 - Pollard and Hammelman e-mail (Hawthorn000198-199).

Exhibit # 39: February 22, 2018 - Pollard and Jessica Williams E-Mail (ENO-NOPS005839-5840 plus Excel spreadsheet pages 1-3).

Exhibit # 40: February 27, 2018 - Pollard and Erin Doucette e-mail (ENO-NOPS006106-6127).

Exhibit # 41: March 5, 2018 - Pollard and Hammelman e-mail (Hawthorn000248).

Exhibit # 42: March 5, 2018 - Pollard and Hammelman e-mail (Hawthorn000020-23).

Exhibit # 43: March 6, 2018 - Pollard and Hammelman e-mail (Hawthorn000548-549).

Exhibit # 44: March 8, 2018 - Pollard and Hammelman e-mail (Hawthorn000519).

Exhibit # 45: March 23, 2018 - Pollard and Accounts Payable (ENO-NOPS000133).
Exhibit # 46: April 12, 2018 - Pollard and Franklin e-mail (ENO-NOPS000319-322).
Exhibit # 47: April 27, 2018 - Pollard, Franklin, and Guidroz e-mail ("delete the line 'Talk point and testimony will be vetted'") (ENO-NOPS000249-252).
Exhibit # 48: April 27, 2018 - Original Contract Change Order (ENO-NOPS000492-493).
Exhibit # 49: April 27, 2018 - Revised Contract Change Order (ENO-NOPS000496-497).
Exhibit # 50: April 27, 2018 - Asset Suite Material (ENO-NOPS006009-6014).
Exhibit # 51: April 27, 2018 - Pollard, Cavell, and The Lens (ENO-NOPS005760).
Exhibit # 52: April 30, 2018 - Pollard and Rice e-mail in re The Lens (ENO-NOPS005763-5764).
Exhibit # 53: May 1, 2018 - Entergy's social media monitoring (ENO-NOPS005960).
Exhibit # 54: May 1, 2018 - Pollard and others e-mail in re The Lens (ENO-NOPS005953-5955).
Exhibit # 55: May 1-3, 2018 - Pollard's efforts to facilitate THG payment (ENO-NOPS000323).
Exhibit # 56: May 4, 2018 - Malcom Ehrhardt forwarded The Lens Article to Rice and Pollard (ENO-NOPS005947).
Exhibit # 57: May 4, 2018 - Rice sent a Press Release/Response to Chanel Lagarde and Lagarde replied and copied Pollard ("Entergy New Orleans had no knowledge of individuals or organizers of an effort to seed an audience.") (ENO-NOPS005923-5924).
Exhibit # 58: May 5, 2018 - Rice circulated a Press Release/Response to Pollard, Rod West, Marcus Brown, and Chanel Lagarde (ENO-NOPS005737-5738).
Exhibit # 59: May 5, 2018 - Rice circulated revised statement (ENO-NOPS005807-5808).
Exhibit # 60: THG's 9-21-17 Invoice (Hawthorn0000456).
Exhibit # 61: THG's 1-19-18 Invoice (Hawthorn000458).
Exhibit # 62 - Eight photocopies of color photos of speakers shown at the 10-16-17 public hearing.

38) **October 15, 2018** - Investigators took a sworn statement from **Charles Rice**, former President of Entergy New Orleans, LLC. A transcription of the statement is provided with this report. During the statement, Rice identified and testified concerning the following exhibits:

Exhibit # 4: July 27, 2016 - Draft speeches attached. (ENO-NOPS06353-6360).
Exhibit # 5: December 6, 2016 - Green-Brown e-mail to Pollard and other with list of potential speakers attached. (ENO-NOPS006659 plus two-page attachment).
Exhibit # 6: August 13, 2017 - THG e-mail with Lagarde and Pollard. (Hawthorn001003-1006).
Exhibit # 8: August 16, 2017 - Cavell and ENO Team discussed Danil Faust and began scrutinizing his online profile. (ENO-NOPS006314-6318).
Exhibit # 9: August 24, 2017 - Meeting with John Ashford (ENO-NOPS000003).
Exhibit # 11: August 29, 2017 - Hammelman Memorandum (ENO-NOPS000008-11).
Exhibit # 12: August 31, 2017 - Rice annoyed with Alliance. (ENO-NOPS000756-759).
Exhibit # 13: August 31, 2017 - Conference call with THG (ENO-NOPS000005-6).
Exhibit # 14: August 31, 2017 - Hawthorn's Follow-Up Proposal (ENO-NOPS000007; 13-88).
Exhibit # 15: September 5, 2017 - Pollard and THG e-mail (ENO-NOPS000012).
Exhibit # 16: September 18, 2017 - Pollard and THG e-mail (Hawthorn000032-33).
Exhibit # 19: October 3, 2017 - October 3, 2017, text message communication between Rice and Pollard:

Rice (7:58 a.m.): "How is Hawthorne looking getting people to the hearing."

Pollard (8:00 a.m.): "They've committed to securing 50 people and 10 speakers."

Rice (8:01 a.m.): "Hell I would pay for more if they can get them."

Rice (8:26 a.m.): **"If Hawthorne can get more people I will pay."**

Pollard (8:32 a.m.): "75? They've crunched numbers for contract and tshirt printing. Can check."

Rice (8:33 a.m.): **"Don't care if it extras 25k. This is war and we need all the foot shoulders [soldiers] we can muster."**

Pollard (12:50 p.m.): "Hawthorn now securing 75 attendees and 10 speakers all wearing tshirts with supporting NOPS messaging. Cost went from 23 to 29k."

Rice (1:31 p.m.): "Deal."

Exhibit # 20: October 3, 2017 - Pollard and THG e-mail that references e-mail address of Adam Swart from Crowds on Demand (Hawthorn000001).

Exhibit # 25: October 16, 2017 - Three Color Photographs of Orange-Clad Supporters/Speakers.

Exhibit # 26: October 16, 2017 - Text Message Thread between Rice and Pollard:

Pollard (5:30 p.m.): "What do you think?" [Time code on video file shows public hearing began at 5:30 p.m.]

Rice (5:31 p.m.): "Looks fabulous."

Rice (5:42 p.m.): "Hawthorn came through let's figure out how we can further engage."

Exhibit # 28: October 20, 2017 - Pollard and Rice text message communication:

Rice (10:15 a.m.): "Let's discuss Hawthorne getting people there for December 13."

Pollard (10:16 a.m.): "Okay."

Exhibit # 29: October 20, 2017 - Pollard and Rice e-mail (ENO-NOPS006311-6312) ("I think we've got them outnumbered.").

Exhibit # 30: October 23, 2017 - Pollard and Hammelman e-mail (Hawthorn000058-59).

Exhibit # 31: October 23, 2017 - Pollard and Cavell e-mail (ENO-NOPS006573-6575).

Exhibit # 34A: January 11, 2018 - Text Message Communication between Rice and Pollard:

Rice (11:25 a.m.): "Think we can get hawthorn to get us 20 people."

Pollard (11:29 a.m.): "Will check!"

Rice (11:37 a.m.): "Make it 30."

Pollard (12:02 p.m.): "Got it."

Pollard (5:51 p.m.): "Talked to Hawthorn. They will send us cost estimates."

Exhibit # 35: January 12-19, 2018 - Pollard and Hammelman e-mail (Hawthorn000005-6).

Exhibit # 37: February 21, 2018 - Huntley e-mailed Entergy Team "Let's get as many of our folks there ahead of the bus from NO East." (Hawthorn000016).

Exhibit # 45: March 23, 2018 - Pollard and Accounts Payable (ENO-NOPS000133).

Exhibit # 46: April 12, 2018 - Pollard and Franklin (ENO-NOPS000319-322).

Exhibit # 47: April 27, 2018 - Pollard, Franklin, and Guidroz e-mail ("delete the line 'Talk point and testimony will be vetted'") (ENO-NOPS000249-252).

Exhibit # 48: April 27, 2018 - Original Contract Change Order (ENO-NOPS000492-493).

Exhibit # 49: April 27, 2018 - Revised Contract Change Order (ENO-NOPS000496-497).

Exhibit # 50: April 27, 2018 - Asset Suite Material (ENO-NOPS006009-6014).

Exhibit # 52: April 30, 2018 - Pollard and Rice e-mail re The Lens (ENO-NOPS005763-5764).

Exhibit # 57: May 4, 2018 - Rice sent a Press Release/Response to Chanel Lagarde and Lagarde replied and copied Pollard ("Entergy New Orleans had no knowledge of individuals or organizers of an effort to seed an audience.") (ENO-NOPS005923-5924).

Exhibit # 58: May 5, 2018 - Rice circulated a Press Release/Response to Pollard, Rod West, Marcus Brown, and Chanel Lagarde (ENO-NOPS005737-5738).

Exhibit # 59: May 5, 2018 - Rice circulated revised statement (ENO-NOPS005807-5808).

Exhibit # 63: February 1, 2017 - Rice e-mail exchange with Charlotte Cavell in regards to "The Hawthorn List." (ENO-NOPS001007).

Exhibit # 64: October 3, 2017 - Contract Change Order for Bright Moments, LLC (ENO-NOPS001135-1139).

Exhibit # 65: October 16, 2017 - Photo of Rice at 10-16-17 public hearing.

Exhibit # 66: January 29, 2018 - Pollard e-mail where Pollard circulated draft letters to the Editor without any real author to be sent to show support for Rice's Op-Ed. (ENO-NOPS006435-6443).

Exhibit # 67: May 15, 2018 - NOCC "hold notice."

Exhibit # 68: October 16, 2017 - Nine color photographs.

Exhibit # 69: September 18, 2018 - Text message communication from Wendell Bugg re HBO segment and "Crowds on Demand."

39) **October 17, 2018** - Investigators interviewed **Brett Suebe**, Project Manager NOPS Power Station. Suebe participated in weekly "Lead Team" conference calls with other Entergy employees regarding the NOPS Power Station and Entergy's efforts to gain approval for the proposed plant. Suebe attended both the 10-16-17 and 2-21-18 public hearings. For the 2-21-18 hearing, Suebe attended with four other Entergy employees. Suebe confirmed that Entergy was concerned with the show of support demonstrated by opposition groups at public hearings. Suebe had no interaction with Hawthorn.

JUDGE JOHNSON

Entergy New Orleans, LLC ("ENO") filed its application to build NOPS in June 2016. During the February 21, 2018 Council meeting, the President of the Council, Jason Williams, laid out the process the Council followed in considering ENO's application for approval of NOPS by the Council.⁵ What became clear during the investigation is that ENO, did not respect the process.

The process described by Council President Williams gave clear instructions and rules for interested parties to follow. However, the Council's rules did not speak to the ultimate issue presented in Council Motion M-18-196, whether a party or group may pay people to attend and/or speak at a meeting or hearing. There are no specific Council rules that prohibit this practice. Nor are there rules which require parties or groups with business before the Council to inform the Council that attendees and/or speakers are compensated. While there are no Council rules that prohibit these practices, these practices appear to be contrary to ENO's Values and Ethics statement.

Entergy's ethics rules are awash with the precept: "Above All Else Act with Integrity."

At Entergy, we are committed to a system of shared values to guide interactions with our owners, customers, employees and communities. These values are:

- Create and Sustain a Safe and Healthy Life
- Cultivate a Diverse and Inclusive Work Culture
- Possess a Winning Spirit
- Focus on Our Customers
- Grow the Business
- Be Active Team Players
- Treat People with Respect
- Aggressively Look for Better Ways
- Take Actions to Achieve Results
- Above All, Act with Integrity

At Entergy, we aim to not only continuously build, but to maintain a culture of integrity. As our CEO notes, this is more than a culture of compliance, where the main focus is centered on following laws and regulations relevant to our operations.

⁵ Utility, Cable, Telecommunications and Technology Committee Meeting 2/21/2018...Starting with Entergy's initial application in June of 2016, the Council established a mechanism for interested persons to receive email notice of any public meetings or hearings concerning this NOPS application. In addition, the Council required Entergy to conduct, at the very least, five well-advertised public outreach meetings, including one in every single Council district. We also had a public meeting on ENO's application in Council chambers. In total, ENO has held at our request at least 21 public meetings regarding the NOPS proposal, including a number of meetings in the district of the proposed site, New Orleans East. In addition to the public meetings, the public and interested parties had the opportunity to participate in a formal evidentiary process, and I want to emphasize a formal evidentiary process that included months and months of extensive discovery, including depositions, over 2,700 pages of prefiled direct testimony and exhibits, a full week of evidentiary hearings before an administrative law judge, and extensive briefs from each of the parties describing the arguments and the evidence gathered during this more than 18-month process that is culminating with an opportunity today for closing arguments for all parties before the Council.

It is a culture of integrity, where our employees are trusted to take the right actions even when there are no rules.

We also identify applicable laws and risks of non-compliance and then decrease those risks through preventive and detective measures and corrective action.⁶

ENO did not act with integrity on October 16, 2017, or February 21, 2018. The facts discovered during the investigation suggest an appearance of impropriety.

Q. And in our profession, the legal profession, there's always that a piece that talks about appearance, the appearance of impropriety. There's always that piece. And the thing that we as lawyers are supposed to avoid, utmost avoid, is the appearance of impropriety, not necessarily the doing but the appearance. Would you agree with that statement?

A. I agree with that statement.⁷

On about August 31, 2017, ENO began a discussion with Hawthorn⁸ to assist ENO in obtaining people to attend and speak at Council hearings.

Q. Let me go ahead and hand you 13. So I have just handed you what I marked as Exhibit 13. It appears to be an Outlook Calendar entry. Is that right, Ms. Pollard

A. Yes, that's correct.

Q. And you are copied on this particular entry, correct?

A. Yes

Q. The appointment title reads: "Campaign/Strategy Discussion," correct?

A. Yes.

Q. And among the attendees, including yourself is MR. Ashford from the Hawthorn Group and Mr. rice

A. Correct.

Q. And this was for August 31, 2017; is that correct

A. That is correct.⁹

In an email, dated September 20, 2017,¹⁰ Ms. Pollard makes it clear the number of supporters and the number of speakers ENO was willing to pay for.

Q. Take a look at Exhibit 17. And this is four-page email communication with Bates labels Hawthorn 34 through and including Hawthorn 37.

A. Okay.

⁶ http://entergy.com/about_entergy/ethics.

⁷ Rice sworn testimony transcript p. 182.

⁸ <http://www.hawthorngroup.com/hawthorn-team/>

⁹ Pollard sworn testimony transcript pp. 53-54.

¹⁰ Exhibit 17.

Q. If we could start toward the back, the second-to-last page?

A. Sure.

Q. And the first email thread starts on September 20, 2017 from Ms. Hammelman to yourself, and then you must respond and give her some reference point, maybe on the website; is that right?

A. Yes, I directed her to a website that was populated with general public communications and materials.

Q. And then right above that, in her response or reply email she discusses: "100 supporters at the hearing (who won't sign up to speak but know why they are there and can respond to questions), \$14,000; 10 supporters who signed up to speak and have a 'prepared' statement about why they support the power, \$6,500;" is that correct?

A. Yes.¹¹

At best, it is wishful thinking that attendees and speakers recruited by Hawthorn through Crowds on Demand¹² would not be paid. ENO knew or should have known that Hawthorn or someone else paid by Hawthorn would use some of the money to pay people to attend and speak.

ENO's Values and Ethics statement, addresses the possibility that ENO's Values and Ethics could be betrayed even if there are no provisions that speak specifically to the activity. ENO's own policies require that it take preventive and investigative measures and apply corrective action. This applies even when there are no provisions or policies addressing the activity directly. ENO did not display its values or ethics. When Ms. Pollard was asked whether she conducted any research into Hawthorn or its methods or take any action to ensure the effectiveness of Hawthorn she answered:

Q. Prior to your engaging Hawthorn in this effort, you had no independent knowledge of Hawthorn's ability to do the job you were contracting with them to do?

A. I was not familiar with Hawthorn's grassroots outreach efforts as part of any interaction with them.

Q. And you did not research their ability to engage in this grassroots effort?

A. I did not research the Hawthorn Group because I knew that Entergy had worked with them, and also I have been a part of presentations that they have done before Entergy.

Q. But those presentations did not include this kind of engagement?

A. No it did not.¹³

¹¹ Pollard sworn testimony transcript p. 66.

¹² <https://crowdsondemand.com>.

¹³ Pollard sworn testimony transcript p 211.

The two people directly responsible for the Hawthorn Contract, Yolanda Pollard and Charles Rice, were asked several times whether anyone ever told Hawthorn not to use ENO's money to pay people to attend and to speak at meetings.

Ms. Pollard when asked about the possibility of payments answered:

Q. And Matt asked the question was Suzanne Hammelman at Hawthorn ever told specifically no one was actually to receive money to achieve that result...

A. I never did address that directly with her because it was never any of my expectation that would happen. I never even considered that as part of the scenario to address that directly with her as we were discussing contracts, proposals. That was never part of the scenario that I considered to even address that with her.¹⁴

Mr. Rice when asked about the possibility of payments answered:

Q. Did you ever tell any one of those direct reports you describe who directly reported to you, did you ever tell anyone of them or Suzanne Hammelman or John Ashford not to take the money we're giving Hawthorn—not to take a dollar of it and give it to anyone else to do anything? Did you ever say those words to anyone at Entergy or outside of Entergy at Hawthorn?

A. Well, I only had one direct conversation with Mr. Ashford where he made a presentation. I didn't have any direct conversations with Ms. Hammelman. Third, the contact specifically states that they were not supposed to hire a subcontractor without our permission. So, again I wouldn't anticipate nor contemplate that they would go out and hire a third party to pay people to show up at the meeting. It's just something that never occurred to me, never occurred to me that it was even in the universe of possibilities.

Q. So, the answer is no?

A. Again, I never had a conversation with Ms. What's her last name?

Q. Hammelman.

A. Hammelman. I had one conversation where Mr. Ashford did his presentation. And nobody on my team – or there was never any meeting or never ever a discussion where any of us even thought or contemplated paying people to show up at a meeting. So there was no need for me to have that conversation.¹⁵

As to whose decision it was to contract with Hawthorn, Ms. Pollard made it perfectly clear:

Q. Whose decision was it...

A. I acted based on the request and direction of Charles Rice. He identified the specific need to have Hawthorn work with us to identify public speakers.

¹⁴ Pollard's sworn testimony transcript at p 183.

¹⁵ Rice's sworn testimony transcript at pp 186,187.

Q. So it was Charles Rice's decision to go with what eventually happen not yours?

A. It was not my decision. He approached me in preparation for both meetings, and suggested that we ask Hawthorn to work with us to identify supporters.

Q. Again, the decision to go with what actually happened was Charles Rice's decision?

A. Yes.¹⁶

ENO contracted with Hawthorn to increase the visible support of NOPS at the hearings by increasing the number of NOPS supporters attending the hearings. The contract spelled out the amount of money to be used to increase the visible presence and the amount of money to be used to get some of the people who would attend to speak.

Below is a pricing menu, including turning supporters out; getting a few of them to sign in to speak and have them deliver a message; adding some branded t-shirts so it will be obvious how many supporters are there (e.g., "Local Energy. Reliable Energy."); and perhaps adding a petition that could be given to the Council members. It is important to note that this price is based on having three-and-a-half weeks to complete the recruiting process.

- Hawthorn management fee: \$7,500
- Hawthorn expenses: minimal -I don't think there would be any expenses here except for the gross receipts tax we're required to charge which is 0.0035 x total invoice we send you
- Supporters for the hearing (50-100): \$8,500-\$4,000
- *Optional* - Supporters to sign in and speak (10): \$6,500
- *Optional* - T-shirts (50-100): \$1,000-\$1,500
- *Optional* - Petition signatures (1,000-1,500): \$9,000-\$26,000¹⁷

There was never a justifiable reason to enter into such a contract with Hawthorn or anyone else. A forty-year ENO employee believed just that. He referred to it as an "Unforced Error."¹⁸

ENO employees and contractors had the responsibility to do what Hawthorn was contracted to do. That is to get supporters to attend the Council hearings. In fact, they had obtained names and addresses of people from across New Orleans who had indicated their support for NOPS. Contractors Bright Moments and DMM were also executing a well formulated plan to get supporters to the meetings. But as Ms. Pollard opined, leading up to the October 16, 2017, hearing, ENO believed that its employees and contractors, were unable to generate sufficient numbers of supporters to attend the Council hearings.

Q. And in terms of the need to inform the public around it, the need to inform the public around NOPS and the need that New Orleans had for NOPS, that need was

¹⁶ Pollard sworn testimony transcript pp. 186-187.

¹⁷ Pollard sworn testimony (Exhibit 16).

¹⁸ Interview Alex Dunn October 9, 2018.

mainly with MS. Mercadel, Mr. Dunn, Ms. Toni Green-Brown, you but also Bright Moments.

A. Yes, we engaged the support and services of Bright Moments and the Ehrhardt Group as part of our efforts to inform the public.

Q. Also DMM?

A. Yes, DMM has been engaged in providing updates or reaching out to customers as we've done some distribution and transmission service work.

Q. Is a part of that effort, DMM would hire people to assist that effort.

A. Yes, they employ certain individuals who actually help with that effort

Q. Fact is, they employed lots of them over the course of time. In just the two year period we were talking about, they employed lots.

A. They have actually grown their business over time.¹⁹

Q. But they were not good enough to get people engaged for the October 16th hearing of the City Council separately or collectively, they were not engaged sufficiently in the City of New Orleans to be able to do what Hawthorn arguably could do. They were not. Is that accurate?

A. I probably wouldn't characterize it as not being good enough.

Q. Able enough?

A. They are imbedded in the City of New Orleans, but they are very small team that had basically carried most of this outreach on this project for a much longer extended period of time anticipated, and they needed the additional resources and support to reach more members of the community.

Q. So the stack of cards that Ms. Mercadel produced that was handed over to the City Council, that was obtained from people who had attended meetings that Ms. Mercadel, Mr. Dunn and Ms. Toni Green-Brown had attended, that wasn't sufficient enough to get people's butts in those seats October 16th.

A. These were people who signed cards during a variety or in a variety of settings, ranging from evening meetings, community events. But all of those individuals could not necessarily make the time to attend meetings during the day, during the workday or during the evenings when we participated in hearings.

Q. And you asked them that, and they said to you no, they couldn't?

A. I didn't necessarily ask them that directly. I just knew that it was a very difficult task to have three individuals cover an entire city footprint.

Q. I didn't just say three, I said Bill Rouselle, Dotty Reese and Margaret Montgomery. I said Bob Tucker. I didn't just say three, I said all of them

¹⁹ Pollard sworn testimony transcript pp. 175-176.

collectively were not sufficient to be engaged by Entergy to get 60 people in a room. All of them were not sufficient?

A. All of them – All of them had their plates full. The people that they typically would connect with were people they may have known or may have been introduced to. The effort to have the Hawthorn Group support this initiative was based on having someone independent to reach out to other members of the community.²⁰

Why did ENO contract with Hawthorn? They contracted with Hawthorn to ensure the appearance that they had overwhelming support for NOPS from a cross section of New Orleanians.

The City Council set out the process for approval.²¹ All ENO had to do was follow the process. Instead, ENO subverted the process with fraudulent support.

ENO's relationship with the Council is well established and well structured. ENO has historically offered continuous educational support to the Council. One ENO staff member referred to the continuous educational relationship with the Council as ENO 101. Additionally, ENO has assigned Vice President Greg Huntley to keep the Council informed about ENO issues.²²

The community work of ENO and their relationship with the Council simply was not enough for it to allow the process to work. ENO did everything that Council President Williams set out and more. It held more than 40 meetings with groups especially in New Orleans East including one on one meetings conducted by Charles Rice.

Q. My question is really about these letters. Who in the last page, 6643, when it says, "Sincerely, Business Owner," and it has a signatory, and this person is saying, "I own a small business," and it provides a living for his family, who is this?

A. A business owner we have been – that was supportive of the plant. I don't think it's for anyone in particular. We had met with the Black Chamber. We had met with the New Orleans East Business Association. We had met with the Hotel/Motel Association. Through that process, if there were people identified and were willing to submit a letter that was the form we were giving them to use it is that exact form, but that was a model for them to use.

Q. My question is this: it appears from the timing and the way the documents lay out is that the letters are written first, and then later, Bright Moments or somebody else tries to find a person to fill the role; is that accurate?

A. I can't agree with that statement. As I stated before, throughout that two-year process, I met with a number of business organizations. There were people that came up to me throughout those meetings that said they were supportive. I can't say this was one after a certain point in time. There were people that we met with during the first year of the process. We met with the Chamber. I'm sure it was more than once. We met with the Black Chamber more than once. We met with

²⁰ Pollard sworn testimony transcript pp. 180-181.

²¹ See FN 2.

²² Greg Huntley witness statement.

New Orleans East Business Association, their Leadership as probably well as their membership I think I met with the hotel/motel guys more than once. I probably made a trip over to the CVD too. I can't say this was one, and then we went out and tried to identify people.

Q. The e-mail, the last sentence, read it out loud.

A. "TEG/Bright Moments are working to secure names or contacts that could sign or submit these letters early this week." That was probably based on people we had probably already talked to and identified. I will say it again. I participated in probably over 40 meetings, maybe more than that, individual meetings, small group meetings, business meetings. I think I did a presentation to the Business Council. Again, through those presentations, we probably were trying to identify people who were willing to sign something to that effect.²³

ENO presented a stack of cards to the Utility Committee in support of NOPS that measured more than seven inches in height. But still this was not enough. ENO had the ability to marshal their forces to include the wealth of non-profits ENO supports to come before the Council and testify why NOPS should be approved. But still that was not enough.

At meetings had either by the Council or other groups Charles Rice opined that his very integrity was questioned. Charles Rice recounted the amount of vociferous attacks he endured, name calling, and fingers in his face by opponents to NOPS. It was too much to bear. He believed he needed more than the non-profits, union representatives, community representatives, ministers and ENO employees to testify in support of NOPS. In sum, he believed he needed a packed house of visible supporters and speakers with packaged designed comments. Therefore, on August 31st 2016, Charles Rice made a decision that ENO needed to bring in an outside contractor to increase the presence of supporters and speakers at the Utility Committee hearings.

Rice saw this as a war and, as such, he needed ground troops to carry this war to the enemy, his opponents.

Q. At some point in that same time, did you become concerned or alarmed with the Alliance?

A. I don't know if "concerned or alarmed" is a correct statement. I would say my concern really revolved around the voluminous news, and I say voluminous false and inaccurate information that they were putting out to this community specifically about the company and, more importantly, about me. They were saying I was attempting to harm the community in which I live, the community in which I chose to raise my family, the community in which my parents and the majority of my immediate family still lives. For them to make a statement that I and the company I work for, which was the only Fortune 500 Company in this community which provides millions of dollars to this community, which has about a billion-dollar economic impact on this community, yeah that concerned me.

²³ Rice sworn testimony transcript pp. 95-97.

Q. Did you believe or did you perceive they were attacking you personally in addition to the information you discussed?

A. I don't know if it was personal attacks. If you want to talk about the fact in a community meeting Ms. Burke's husband got in my face, face to face in a threatening manner that happened.

Q. When was that?

A. That was at one of the Council meetings. I can't recall which one. Were they putting out different false information about me? I'm sure they were. It was of concern to me that they were putting out false information, that they were not necessarily putting out the truth about me and my intentions. I live in this community. I was a very public person in this community. I was known as being a person of integrity in this community, and they questioned that. That was serious issue for me. Let me explain something to you. I'm a junior. There's a third. My father worked all his life to build a good name. For somebody to say I was going to do something to ruin that to jeopardize that, total BS. I go through life – there's a Charles L. Rice, III. That name could be a help or hindrance to me. The only way it could be help is for me to be a person of integrity, a person of my work, and to do what's right by this community by me, and everybody else. For somebody to question that, I have an issue with that.²⁴

Rice was willing to do anything necessary including paying money to obtain his desired result.

Q. If you could, read what you wrote at 11:25

A. "Think we can get Hawthorn to get us 20 people".

Q. Ms. Pollard responds, "will check". Then what did you write?

A. "Make it 30"²⁵

Q. So when you received a text message or a phone call from Mr. Rice, it would just appear, "Charles Rice," correct?

A. Yes

Q. And I am assuming the same thing on his side?

A. Possibly.

Q. Y'all worked together on a regular basis; otherwise if you just see a number, you don't know what it means right?

A. Right.

²⁴ Rice sworn testimony transcript pp. 49-51.

²⁵ Rice sworn testimony transcript pp. 89-90.

Q. And this is a document that references and lists out October 3, 2017 text message communication. And it contains Rice on one side, as well as Pollard. Take a moment to review those particular lines, please.

A. Okay.

Q. And just for the record, I'll play Mr. Rice and you play yourself, okay? And at 7:58 a.m. Mr. Rice writes "How is Hawthorn looking getting people to the hearing?" What was your response, two minutes later?

A. "They've committed to securing 50 people and 10 speakers".

Q. And one minute following that, at 8:01 a.m., Mr. Rice writes: "Hell, I would pay for more if they could get them." At 8:26 Mr. Rice writes again, "If Hawthorn can get more people there I will pay." What was your response at 8:32 a.m.?

A. "75? They've crunched numbers for contract and t-shirt printing. Can check?"

Q. One minute later, 8:33 a.m., Mr. Rice wrote: "Don't care if its's extra 25K. This is war, and we need all the foot shoulders," I believe that was probably an auto-correct, to "—soldiers we can muster." What was your response at 12:50 p.m.?

A. "Hawthorn now securing 75 attendees and 10 speakers, all wearing t-shirts with supporting NOPS messaging. Cost went from 23 to 29K"

Q. And the "k" stands for thousands, correct?

A. Yes

Q. And the last entry Mr. Rice wrote, at 1:30 p.m. on that date, "Deal." Is that correct?

A. That's correct.²⁶

Q. And the comments around this being war, all right, you mentioned the need for foot soldiers, am I correct?

A. Yes, sir.

Q. And with your military background, it's fair to say that you would understand that soldiers have to be paid?

A. Are you asking me was I paid while I was in the military?

Q. Yeah.

A. Are you asking me that the United States Government pays its soldiers that serve this country every day?

Q. Yes.

²⁶ Pollard sworn testimony transcript pp. 72-73.

A. Yeah, the United States Government paid us.

Q. Do you know any soldiers who are not paid?

A. That are members of the United States military, be it Coast Guards, Army, Navy, Air Force, Marines, including the Merchant Marines, I don't know of anyone that hasn't been paid or don't get paid.

Q. Did you anticipate your soldiers being paid?

A. No.

Q. Why not?

A. Because that's not what we do, and that's not something that we were in the business of doing. That's not something that we anticipated.

Q. You expressed the need to have soldiers; am I correct?

A. Well, I think that's used in a generic sense. I mean, when people engage in political campaigns, the talk about having soldiers. I mean, "Soldiers" is used in a lot of different ways and a lot of different terms.²⁷

Simply stated ENO lost its way. It found itself so far in it could not recognize its mistake and take the corrective measures, its Values and Ethics statement demands. Even when the reality of people being paid to attend and speak at the October 16, 2017, meeting was clearly presented to ENO, it took no corrective action. ENO did not investigate nor research the company it chose. It accepted the company's denial as fact.

Q. And you are a party to this conversation, correct?

A. Yes, the email was sent to me.

Q. By Ms. Cavell?

A. Yes, the email was sent by Ms. Cavell to my attention.

Q. And on the first page of this email of October 23rd, seems to be something taken from the internet with the words: "So I got the verbal confirmation I need. There were paid protesters for Entergy at City Council \$60 paid two hours later at Dave and Busters"; is that correct?

A. Yes, that's what this reads here, and it seemed to be just a random comment. I wasn't sure where that was coming from or why anybody would say that.

Q. But Ms. Cavell sent this to you, and this was the same day that you were having a discussion with Ms. Hammelman, correct?

A. Yes. I brought this to her attention to let her know this is what we're seeing here, why are we saying (seeing) this.

²⁷ Rice sworn testimony transcript pp. 164-165.

Q. And as discussed before lunch, this comes a couple of days after the 10/16 meeting, correct?

A. This was about a week or so after the 10/16 meeting.

Q. So within that time frame, within a week, six days to be exact, there are discussions, or allegations, or noise, whatever you want to call it, in the atmosphere, so to speak, that some of these supporters were paid to attend and/or speak, correct?

A. This is an allegation stated here.

Q. And did Entergy cancel the Hawthorn Group's contract?

A. No, we did not, because we had not confirmed anything about this was related to anything to do with the Hawthorn contract nor did we believe that the Hawthorn Group had done anything like this, nor had we instructed them to do anything like this.

Q. Anywhere in the materials or emails did you ever caution the Hawthorn Group to refrain from such activity?

A. No we never discussed payment to any one of the speakers.²⁸

Even after the revelation that came as a result of the investigative report by The Lens and there was no question that people were paid by Hawthorn or Crowds on Demand, ENO continued to deny it had any knowledge of the payments and maintained it did nothing wrong.²⁹ ENO insists that it never told its contractor pay people to attend and speak at meetings or to contract with others who would. Therefore, ENO maintains that it has done nothing wrong.

ENO considered this investigation as an adversarial process, pitting them against the investigators with the Council being the arbiter or judge. It never recognized nor accepted the fact that this was simply a search for the truth and that it should have been as hell bent on finding the truth as the investigators were.

A result of the public exposure of ENO'S payment, via contractors, to participants to appear and/or speak at the Council meeting, has been ENO's own investigation into the scandal. Unfortunately, ENO informed the investigators that it believes the some of the results of its investigation are privileged. ENO published its own report but believes that many of the documents it used are protected by the attorney client privilege. This belief may be true if this was an adversarial proceeding. However, it was explained to ENO at the onset that this was simply a search for the truth and not an attack on ENO.

On October 17, 2018, approximately two and a half months from the start of this investigation, ENO provided this response:

While there is no factual basis supporting your position, Entergy will agree to make the documents identified in your letters as Nos. 1, 2, 3, 4, 5 and 7 available for your review at the law office of Chaffe McCall. This offer is being made subject to your

²⁸ Pollard sworn testimony transcript pp. 103-104.

²⁹ https://www.nola.com/business/index.ssf/2018/05/entergy_we_didnt_pay_actors_bu.html

agreement that the voluntary production of these documents will not be used in any way to seek the production of other documents listed on Entergy's privilege log, including on a theory of subject matter waiver.

That response reveals that there was nothing that could be considered privileged in the documents disclosed. The seven documents contain nothing that the world should not see. Nonetheless there is one document that contains a statement which appears to be an early draft of the Next Steps section of ENO's May 10, 2018 report discussing remedial steps taken by ENO.³⁰ I couldn't copy the document, so I can't attach it to this report. What follows is what the document revealed.

ENO takes ultimate responsibility for actions taken about contractors. As a result they have amended their contractor code to specifically forbid the paying of people to come to meetings or talk at the same. Further they have changed their relevant contract documents to reflect the new policy and they are developing training programs for employees and contractors to enforce the new policy and they will conduct periodic contract performance audits.

This appears to have been a draft of ENO's May 10, 2018, Report of the Investigation of New Orleans Power Station. When you read Entergy Values and Ethics statement and read Charles Rice text messages, there was no reason for ENO to not come forward then and admit the violation and provide the plan going forward. Everything that transpired after the discovery of the text messages was unnecessary.

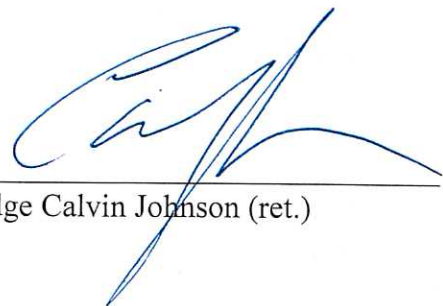
CONCLUSION

The documents, e-mails, text messages and other information obtained establishes that numerous individuals were paid to attend and/or speak in support of Entergy's NOPS Power Station proposals, while posing as alleged genuine supporters of the NOPS Power Station. The information recovered and reviewed to date also indicates that payment for these "supporters" went from Entergy, through Entergy's vendors, and to these paid to appear individuals in order to secure attendance and participation as speakers on Entergy's behalf at public hearings that occurred on October 16, 2017 and February 21, 2018. Finally, Entergy *knew or should have known* that such conduct occurred or reasonably might occur.

Respectfully Submitted,



Matthew M. Coman
Sher Garner Cahill Richter Klein & Hilbert, L.L.C.



Judge Calvin Johnson (ret.)

³⁰ Entergy's May 10, 2018, Report of Investigation New Orleans Power Station Advocacy.